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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 826/2015

MANKIND PHARMA LIMITED

..... Plaintiff

Through: Mr. Niloy Dasgupta, Advocate with
Mr. Vikramjit Banerjee and Mr. Hemant
Daswani, Advocates

versus

DEVANG KUMAR SHAH & ORS

..... Defendants

Through: Mr. Nikhil Goel, Advocate with
Mr. Sajid Marzook, Advocate for D-1 and D-2
with D-1 in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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01.10.2015

1. On the last date of hearing, counsel for the plaintiff had stated that he had been able to persuade his client to climb down from a demand of Rs.20 lacs raised on the defendants, to a sum of Rs.5 lacs. However, the said offer was not acceptable to the other side. As a result, both the parties were directed to ensure the presence of their authorised representatives.

2. Counsel for the plaintiff states that the authorised representative of the plaintiff was to attend the Court today but his father has fallen ill and he had to leave for out of town this morning. He submits that he has received necessary instructions from his client and can take a decision on their behalf.

3. Defendant No.1, the Managing Director of the defendant No.2/company is present. Counsel for the defendants No.1 and 2 states on instructions from his clients that they are willing to pay a sum of Rs.2,50,000/- to the plaintiff in full and final settlement of all their claims and additionally, his clients are ready and willing to hand over the existing stock of the impugned medicines as per the list furnished to the counsel for the plaintiff vide letter dated 29.04.2015. A copy of the said letter is handed over by the counsel for the defendants and is taken on record.

4. Counsel for the plaintiffs states that the offer made by the other side is acceptable.

5. Accordingly, with the consent of the parties, the suit is decreed in terms of paras 47 (a) to (c) of the plaint. The defendants shall hand over the existing stock as per the tabulated statement, which forms a part of the letter dated 29.04.2015 to the plaintiffs, within two weeks. The defendants shall pay a sum of Rs.2,50,000/- through a

demand draft to the plaintiff in full and final settlement of all the claims, subject matter of the present suit within two weeks.

6. The suit is decreed on the aforesaid lines while leaving the parties to bear their own costs. Decree sheet be drawn accordingly.

7. File be consigned to the record room.

HIMA KOHLI, J

OCTOBER 01, 2015

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