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

+ CS(OS) 1120/2015

NOVARTIS AG & ORS Plaintiffs

Through: Dr. Shilpa Arora, Advocate

versus

INTAS PHARMACEUTICALS LIMITED Defendant

Through: Ms. Aradhana Sachdeva, Advocate
with Ms. Namrita Kochhar, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **01.10.2015**

I.A. 20753/2015 (joint application u/O XXIII R 3 CPC)

1. The present joint application has been filed by the parties stating inter alia that during the pendency of the suit, they have been able to arrive at an out of court negotiated settlement. The terms and conditions of the settlement have been recorded in para 2 of the application, whereunder the defendant has acknowledged the plaintiffs to be the proprietors of the trademark, "LUMINOUS" in relation to medical and educational services, scientific research data and/or pharmaceutical products pertaining to *Ranibizumab*. The defendant has also given a series of undertakings to the plaintiffs. The parties have agreed that in view of the settlement, the suit instituted by the

defendant against the plaintiffs, registered as CS(OS) 1075/2015 may be dismissed as infructuous.

2. In view of the undertakings given by the defendant, the plaintiffs have agreed that they do not wish to press the claim for damages and rendition of accounts against the defendant. However, the defendant has agreed that if it is found to be committing breach of any of the undertakings as recorded in the application, they shall pay a sum of Rs.20 lacs as an admitted liability. Counsels for the parties state that the present suit may be decreed in accordance with the terms and conditions recorded in the application.

3. The Court has heard the counsels for the parties and examined the averments made in the application. The same has been signed by the authorised signatories of the plaintiffs and defendant and their respective counsels and the same is duly supported by the affidavits of the signatories.

4. As Counsels for the parties jointly state that their clients have arrived at the aforesaid settlement of their own free will and volition and without any undue influence or coercion from any quarters, there appears no legal impediment in accepting the said settlement. The parties shall remain bound by the terms and conditions of the settlement recorded in the application.

5. The suit is decreed in accordance with the terms and conditions recorded in the compromise application. Decree sheet be drawn accordingly.
6. The suit is disposed of alongwith the pending application.
7. File be consigned to the record room .

OCTOBER 01, 2015

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HIMA KOHLI, J