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

+ CS(OS) 3886/2014 and I.A. 25405/2014

MERCK SHARP AND DHOME CORP & ANR Plaintiffs
Through: Mr. Pravin Anand, Advocate with
Ms. Udit Patro, Advocate

versus

ERAN NIV & ORS Defendants
Through: Mr. Aditya Dewan, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

% **ORDER**
16.10.2015

I.A. 22102/2015 (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 set out in para 2 of the application, whereunder the defendants have acknowledged the validity of the suit patent IN'816 in favour of the plaintiffs and have given a series of undertakings to the plaintiffs. In lieu of the said undertakings, the plaintiffs have agreed to give up the reliefs prayed for in paras 73(b) to (e) of the plaint.

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

3. 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 which is taken on record. The parties shall remain bound by the terms and conditions of the settlement recorded in the application.

4. The suit is decreed in accordance with the terms and conditions recorded in the compromise application and para 73(a) of the plaint while leaving the parties to bear their own expenses. Decree sheet be drawn accordingly.

5. The suit is disposed of alongwith the pending applications.

6. File be consigned to the record room.

HIMA KOHLI, J

OCTOBER 16, 2015

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