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

+ CS(OS) 4063/2014 and I.A. 26422/2014

SUN PHARMA LABORATORIES LTD Plaintiff
Through: Mr. Sachin Gupta, Advocate with
Mr. Shashi P. Ojha, Advocate

versus

TTK HEALTHCARE LTD & ANR Defendants
Through: Mr. Tahir A.V., Advocate for D-1.
Ms. Samreen Khan, Advocate for D-2.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% 24.08.2015

I.A. 17105/2015 (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 paras 1 to 5 of the application.

2. Counsels for the parties state in terms of the settlement arrived at between them, the defendants No.1 and 2 have declared that with effect from 10.04.2015 they have stopped manufacturing medicinal preparations under the mark, "SUSTINA-P", and the plaintiff has agreed to permit the defendants to exhaust their stocks for a period of

six months in terms of the order passed by the Division Bench on 06.05.2015. Defendants No.1 and 2 have further stated that they do not have any objection to the suit being decreed in terms of para 26(a) and (b) of the plaint and they shall withdraw the pending trademark application for registration of the trademark, "SUSTINA-P" within one month with proof of withdrawal furnished to the other side.

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 signatory of the plaintiff and the constituted attorney of the defendants as also their respective counsels and is duly supported by the affidavits of the signatories to the applications.

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 terms of terms of para 26(a) and (b) of the plaint and the other terms and conditions of settlement as recorded in the present application, while leaving the parties to bear their own expenses.

6. The suit is disposed of, along with the pending applications.
7. File be consigned to the record room.

AUGUST 24, 2015
rkb/ap

HIMA KOHLI, J