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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 894/2016 & IA No.8691/2016 (u/O XXIII R-3 CPC)**
BAYER INTELLECTUAL PROPERTY GMBH & ANRPlaintiffs
Through: Mr. Pravin Anand with Mr. Aditya
Gupta, Advs.

Versus

DR S DE & ANR

..... Defendants

Through: Mr. Ashutosh Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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25.07.2016

1. The plaintiffs viz. Bayer Intellectual Property GmbH and Bayer Pharmaceuticals Pvt. Ltd. have instituted the present suit to restrain the defendants viz. Dr. S. De and Ranbaxy Laboratories Ltd. from infringing the Patent No.211300 of the plaintiff no.1.
2. The suit was entertained and an interim arrangement ordered on 29th May, 2015.
3. The counsels state that the defendant no.2 Ranbaxy Laboratories Ltd. has since been amalgamated with Sun Pharmaceutical Industries Ltd. and a compromise has been initiated and worked out by the plaintiffs with Sun Pharmaceuticals Industries Ltd. but till date formal substitution of defendant no.2 Ranbaxy Laboratories Ltd. with Sun Pharmaceuticals Industries Ltd. has not taken place. They orally seek the same.
4. In view of the documents annexed to IA No.8691/2016 under Order XXIII Rule 3 of the CPC and on the oral request of the parties, the substitution is permitted. The amended memo of parties be filed during the course of the day.

5. I have perused the application under Order XXIII Rule 3 signed on behalf of the two plaintiffs and on behalf of the defendant no.2 Sun Pharmaceuticals Industries Ltd. The counsel for the plaintiffs states that the plaintiffs are not pressing the suit against the defendant no.1 Dr. S. De.
6. The compromise arrived at between the plaintiffs and Sun Pharmaceuticals Industries Ltd. is found to be lawful and is allowed.
7. The suit is decreed in favour of the plaintiffs and against the Sun Pharmaceuticals Industries Ltd. on the terms contained in IA No.8691/2016 which shall form part of the decree sheet, leaving the parties to bear their own costs.
8. Decree sheet be drawn up.
9. The date of 30th August, 2016 is cancelled.

RAJIV SAHAI ENDLAW, J.

JULY 25, 2016
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