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

+ CS(OS) 1489/2015

VIFOR(INTERNATIONAL) LTD Plaintiff

Through : Ms.Vaishali Mittal and Ms.D. Neha Reddy, Advs.

versus

SANJAY PATEL & ANR Defendants

Through : Defendant no.1 in person.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

ORDER

% **06.10.2016**

I.A. 12538/2016

1. Plaintiff has filed the present suit for permanent injunction restraining infringement of Indian Patent no.221536, delivery up, rendition of accounts, damages, etc.
2. Summons in the suit and notice in the application were issued on 21.5.2016, when an *ex parte ad interim injunction* order was passed in favour of the plaintiff and against the defendants.
3. I.A. 12538/2016 has been jointly filed by the parties under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure for recording the terms of settlement, which has been arrived at between the parties. This application is duly signed by defendant no.1 for self and on behalf of defendant no.2/company, and the counsel for the plaintiff. Application is also supported by the affidavit of the Constituted Attorney of the plaintiff and defendant no.1. This application is marked as Exhibit P-1.
4. Defendant no.1 is present in person. In support of his identity, he has produced his original Voters Identity Card, which is seen and returned. A photocopy of the Voters Identity Card of defendant no.1 has been handed

over in Court today. Defendant no.1 submits that he has arrived at an amicable settlement with the plaintiff out of his own free will. Defendant no.1 further submits that he has understood the terms of settlement. Defendant no.1 has identified his signatures on I.A. 12538/2016 as also on the affidavit filed along with I.A. 12538/2016.

5. Learned counsel for the plaintiff and defendant no.1 pray that in view of the settlement arrived at between the parties, present suit may be decreed in terms of Para 26(a) and (b) of the plaint.
6. Heard counsel for the plaintiff and defendant no.1, who appears in person. Having regard to the fact that the parties have arrived at an amicable settlement, present application is allowed. Suit stands decreed in terms of para 26(a) and (b) of the plaint. Let a decree sheet be drawn up accordingly. The terms of settlement shall form part of the decree.
7. Learned counsel for the plaintiff submits that the matter has been resolved at the initial stage and, thus, prays for refund of court fee.
8. Since the matter has been resolved at the initial stage, the plaintiff would be entitled to refund of court fee in terms of Section 16A of the Court Fees Act. Application stands disposed of.

I.A. 9251/2016 (DELAY)

9. Application stands disposed of in view of the order passed above.

I.A. 10982/2015 (STAY)

10. As agreed, interim order dated 21.5.2016 is made absolute.
11. Application stands disposed of.

G.S.SISTANI, J

OCTOBER 06, 2016 msr