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

+ **FAO(OS) 625/2015**

RELIANCE LIFE SCIENCES PRIVATE LIMITED..... Appellant

Represented by: Ms.Pratiba M.Singh,
Sr.Advocate instructed by
Ms.Bitika Sharma, Mr.Kapil
Midha, Ms.Namrita Kochhar,
Mr.Shobhit and Ms.Neha,
Advocates.

versus

GENENTECH INC & ORS

..... Respondents

Represented by: Mr.Sandeep Sethi, Sr.Advocate
instructed by Mr.Darpan
Wadhwa, Ms.Niti Dixit,
Mr.N.Mahabir, Ms.Samiksha
Godiyal, Mr.Anugrah Robin,
Mr.Tanmay Singh, Ms.Roshni
Namboodiary and Mr.Shlok,
Advocates for R-1 to 3.
Mr.Amit Mahajan, Advocate
for UOI.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.01.2016

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1. Appellant's grievance is to an ad-interim order. On the first day of hearing, CS (OS) No.3284/2015 was listed. Impleaded as defendant No.3, the appellant appeared in the suit and opposed the prayer made by the plaintiff for grant of an ex-parte ad-interim injunction against the appellant prayed for vide I.A.No.23041/2015.

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2. Issuing summons in the suit which were accepted in the Court by learned counsel for the appellant, the learned Single Judge noted that the plaintiffs were pressing for an ad-interim measure which was opposed by learned counsel for defendant No.3.

3. Giving very brief reasons while deferring hearing of the interim application for November 17, 2015 the learned Single Judge passed an ad-interim injunction restraining the appellant not to launch the drug in question in the market, which we note was proposed to be launched in the market by the appellant under the name 'Trastu Rel'.

4. Various contentions have been urged in the instant appeal which would concern the merits of the defence of the appellant and needless to state the attack by the plaintiff.

5. The record of the suit would evince that true to the promise of hearing the application for interim injunction on November 17, 2015 inspite of constraint of time on the original side the learned Single Judge has concluded hearing in the application and has reserved orders on January 13, 2016.

6. It would therefore be of no use for us to continue with the appeal for the reason the impugned order is an ad-interim order. Though technically in law the appeal would be maintainable, but for the reason arguments have been heard and orders have been reserved in I.A.No.23041/2015 which order would obviously be a reasoned order dealing with the twin element of grant or denial of an interim injunction.

7. Observing that all contentions urged in the instant appeal would be open to be urged by the appellant should the learned Single Judge pass an

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interim order against the appellant, we dispose of the appeal without adjudicating the controversy raised therein concerning the ad-interim order passed by the learned Single Judge which would obviously be merged in the final interim order (superseding the ad-interim order) which would now be passed by the learned Single Judge.

8. Since the appellant is under an injunction as per the impugned order, we would hope and expect that the learned Single Judge would pronounce the decision in I.A.No.23041/2015 as expeditiously as possible and preferably within 30 days of January 13, 2016, being the date when orders were reserved.

9. At this stage we would be failing not to note that the predecessor bench which was seized of the instant appeal had on November 19, 2015 permitted the Drug Controller General of India to process the approval application filed by the appellant and the same has since been processed and approval had been granted.

10. Appeal is disposed of.

11. No costs.

CM No.26576/2015 (Stay) and 31093/2015 (u/S 151 CPC)

Applications are dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

JANUARY 18, 2016/‘vn’

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