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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 478/2013 & CC 98/2013 and I.As. 4095/2013, 11608-11609/2013, 11612-11613/2013

BAYER CORPORATION & ANR Plaintiffs
Through: Mr. Sanjay Kumar, Advocate with
Ms. Arpita Sawhney, Mr. Arun Kumar
Jana, Mr. Abhishek Jana and
Mr. Harshit Dixit, Advocates.

versus

ALKEM LABORATORIES LTD & ORS Defendants
Through: Mr. Bihunanda Mishra, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
07.07.2017

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Present suit has been filed for permanent injunction restraining defendants from infringing the patent owned by plaintiff No.1 and other consequential reliefs under Section 108 of the Patents Act, 1970.

On 16th September, 2013, the present suit was referred to the Delhi High Court Mediation and Conciliation Centre.

Mediation in the present case has been successful through the efforts of Mr. Amit Chadha, Advocate-Mediator.

A Settlement Agreement dated 19th May, 2017 has been executed between the parties.

It is pertinent to mention that the Supreme Court in *Afcons*

Infrastructure Ltd. Vs. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCC 24 while dealing with Section 89 of the CPC observed that the settlement agreement will have to be placed before the Court for recording it and disposing of the suit in its terms and the Court should apply the principle of Order 23 Rule 3 of the CPC and make a decree in terms of the settlement in regard to the subject matter of the suit, to make such settlement effective.

This Court is satisfied that the compromise between the parties contained in the aforesaid Settlement Agreement dated 19th May, 2017 satisfies the requirements of Order 23 Rule 3 CPC. The compromise contained in the aforesaid Settlement Agreement is lawful and therefore, this Court does not find any impediment in decreeing the suit in terms of the aforesaid Settlement Agreement.

Consequently, present suit is decreed in terms of the aforesaid Settlement Agreement dated 19th May, 2017 which is marked as Ex.C-1. Registry is directed to prepare a decree sheet in terms thereof.

Since the present case has been settled before the Delhi High Court and Mediation Centre, Registry is directed to issue a certificate authorising the representative of the plaintiffs to receive back from the Collector the entire amount of Court-fee paid by them in respect of the present suit.

With the aforesaid observations, present suit and pending applications stand disposed of.

MANMOHAN, J

JULY 07, 2017

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