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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 1165/2016, IA No.10349/2017 (u/O XXXIX R-1&2
CPC) & IA No.11703/2016 (u/O VII R-11 CPC)
PFIZER PRODUCTS INC & ORS Plaintiffs

Through: Mr. Pravin Anand, Ms. Tusha
Malhotra & Ms. Rashi Punia, Advs.

Versus

D. RAWAL & ORS Defendants

Through: Mr. Anil Sapra, Sr. Adv. with Mr.
Kartik Bhardwaj, Ms. Piyusha Singh,
Mr. Jaideep Singh, & Mr. Sarthak
Katyial, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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27.11.2017

IA No.2267/2017 (of the plaintiff under Section 151 CPC)

1. Though an application under Order VII Rule 11 of the Code of Civil Procedure, 1908 (CPC) is also pending and I am of the view that first that application is to be considered but the counsel for the plaintiffs draws attention to the order dated 20th July, 2017 directing this application to be decided first.

2. The plaintiffs by this application seek to place on record in a sealed cover the name of the rheumatologist, who informed the plaintiffs' employee Ms. Priyanka Misal about the proposed action of the defendants as pleaded in para no.69 of the plaint.

3. The senior counsel for the defendants opposes.

4. I am however of the view that at this stage we are only concerned with taking on record in a sealed cover the said name. It will be decided at the appropriate stage whether the contents of the sealed cover are to be

disclosed to the defendants or not.

5. Accordingly, the plaintiffs are directed to place the name on record in a sealed cover.

6. The sealed cover is handed over by the counsel for the plaintiffs to the Court Master in Court and is ordered to be taken on record.

7. The application is disposed of.

CS(COMM) No.1165/2016

8. The plaintiffs viz. Pfizer Products Inc., Pfizer Inc. and Pfizer Products India Pv. Ltd. have instituted this suit to restrain the defendants no.1 to 3 namely Mr. D. Rawal, Cadila Healthcare Ltd. and Zydus Cadila from infringing the Indian Patents No.241773 and 218212 of the plaintiffs and for ancillary reliefs.

9. The senior counsel for the defendants contends that no cause of action for the suit has accrued to the plaintiffs since the defendants are not manufacturing, selling and marketing the alleged infringing products including “Tofacitinib” and its pharmaceutically acceptable salts covered by Indian Patents No. No.241773 and 218212. It is further stated that pleading so, IA No.11703/2016 under Order VII Rule 11 of the Code of Civil Procedure, 1908 (CPC) has been filed.

10. I have enquired from the counsel for the plaintiffs as to why recording the aforesaid statement of the defendants and binding the defendants with the same, the suit cannot be disposed of.

11. The aforesaid is agreeable to both the counsels.

12. Accordingly, binding the defendants to their statement aforesaid and in terms thereof, the suit is disposed of leaving the parties to bear their own costs.

13. Decree sheet be prepared.

RAJIV SAHAI ENDLAW, J

NOVEMBER 27, 2017

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