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

+ **CS(COMM) 369/2017**

ZYDUS HEALTHCARE LIMITED Plaintiff

Through: Ms. Bitika Sharma &
Ms. Deepshikha Mehrotra,
Advocates

Versus

ALKEM LABORATORIES LIMITED Defendant

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

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
13.07.2017

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I.A. 7626/2017 (u/O XXII Rul1 1 CPC with Section 151 CPC)

By way of this application, withdrawal of suit is sought by plaintiff.

Upon notice, counsel for defendant submits that subject to plaintiff paying cost of proceedings to defendant, this application can be allowed.

Counsel for plaintiff submits that plaintiff was not aware that a separate suit has been filed against the assignor in respect of trade mark in question and it was pointed out by counsel opposite on the last date of hearing and so, on instructions, this suit is being withdrawn.

In view of aforesaid, this application is allowed and plaintiff is

permitted to withdraw the suit.

This application is accordingly disposed of.

CS(COMM) 369/2017 & I.A. 6153/2017 (u/O XXXIX Rules 1 & 2 CPC)

In view of orders passed in I.A. 7626/2017, this suit and application are dismissed as withdrawn.

SUNIL GAUR, J

JULY 13, 2017

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