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

+ **CS(COMM) 423/2017**

**MERCK SHARP & DOHME CORP & ANR ..... Plaintiffs**

Through : Mr.Pravin Anand, Advocate with Ms.Tusha  
Malhotra & Ms.Udita Patro, Advocates.

versus

**JUBILANT LIFE SCIENCES LIMITED & ANR ..... Defendants**

Through : Ms.Sneha Jain, Advocate with Ms.Gitanjali  
Mathew, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE S.P.GARG**

**ORDER**

**% 13.09.2017**

**IA 10638/2017 (u/O XXIII R 3 CPC)**

1. Learned counsel for the defendants has no objection if the matter is taken up today to record settlement. The application is allowed.

2. The date already fixed in the matter i.e. 21.09.2017 stands cancelled.

**CS(COMM) 423/2017**

1. The matter has been settled between the parties. Application under Order XXIII Rule 3 CPC [IA 10638/2017 (Ex.P1)] has been filed whereby the matter has been settled between the parties as per terms and conditions incorporated therein.

2. I have enquired from the defendants if the matter has been settled amicably with the plaintiffs. Learned counsel for the

defendants informed that the matter has been settled amicably between the parties and the defendants has no objection if the decree is passed in terms of the settlement as detailed in paras 2 & 3 of the application.

3. Accordingly, decree is passed in favour of the plaintiffs and against the defendants. Paras 2 & 3 of the IA 10638/2017 shall form part of the decree-sheet.

4. Decree-sheet be prepared accordingly.

5. The plaintiffs seek refund of Court fee under Section 16A of the Court Fees Act. Since the matter has been settled and compromised before recording of the evidence, Court fee under Section 16A of the Court Fees Act, 1870 be refunded to the plaintiffs in accordance with the rules and necessary certificate be issued.

**S.P.GARG, J**

**SEPTEMBER 13, 2017 / tr**