

\$~2 & 13

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

+ **FAO(OS) (COMM) 146/2016**

VIFOR (INTERNATIONAL) LIMITED Appellant

Represented by: Ms.Vaishali Mittal, Advocate
with Ms.D.Neha Reddy,
Advocate

versus

UDEET JEEGUL BANKER & ORS Respondents

Represented by: Mr.Rishabh Bansal, Advocate
with Respondent No.1 in person

+ **CS(COMM) 1638/2016**

VIFOR (INTERNATIONAL) LIMITED Appellant

Represented by: Ms.Vaishali Mittal, Advocate
with Ms.D.Neha Reddy,
Advocate

versus

UDEET JEEGUL BANKER & ORS Respondents

Represented by: Mr.Rishabh Bansal, Advocate
with Respondent No.1 in person

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **12.01.2017**

1. Though service report is awaited, counsel as above appears for the respondents.
2. The parties have settled the dispute forming subject matter of the suit.

(10)

The respondents have filed an undertaking in the Registry. Advance copy thereof has been supplied to learned counsel for the appellant.

3. The respondents acknowledge the proprietary interest emanating from Indian Patent No.221536 in the drug : Ferric Carboxymaltose in favour of the appellant and have given an undertaking recorded in paras 'iii' to 'vi' of the undertaking filed in the Registry. The appellant has foregone the right to claim delivery up, costs, damages and rendition of accounts.

4. With consent of parties we have got listed CS(Comm) 1638/2016 before us today.

5. In view of the undertaking given by the respondents the appeal and CS(Comm) 1638/2016 filed by the appellant are disposed of granting a decree in favour of the appellant and against the respondents in terms of paras 'iii' to 'iv' of the undertaking filed.

6. As regards claim for delivery up, costs, damages and rendition of accounts the suit is dismissed as not pressed.

7. The next date of hearing fixed before the learned Single Judge in CS(Comm) 1638/2016 is cancelled.

8. Parties shall bear their own costs in the suit as well as in the appeal.

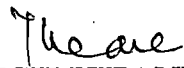
CM No.47986/2016

Dismissed as infructuous.

IA Nos.15747/2016, 15748/2016, 15749/2016 in CS(COMM) 1638/2016

Dismissed as infructuous.


PRADEEP NANDRAJOG, J


YOGESH KHANNA, J

JANUARY 12, 2017/skb

FAO(OS) (COMM) 146/2016 & CS(COMM) 1638/2016

page 2 of 2