

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CO No.1 of 2015 (O&M)
Date of Decision : 30.1.2018

MITA OLEODINAMICA SPA AND ANOTHER
....PLAINTIFFS

VS

INDIAN ENGINEERS PRIVATE LIMITED AND OTHERS
....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Shobhit Nanda, Advocate
for the plaintiffs.

Mr. Vikram Anand, Advocate
for the defendants.

AJAY TEWARI, J.(Oral)

On 17.8.2017, the following order was passed :-

“It is conceded that the registered Patent of the plaintiffs would expire in November 2018, on completion of twenty (20) years with effect from the date of the application for registration of the Patent. It is also admitted that the defendants were at the initial stage of setting up their project and accordingly, an interim stay was granted vide order dated 02.07.2015, thereby restraining the defendants from selling the similar deceptive product. The present suit is at the stage of framing of issues.

Learned counsel for the plaintiffs, in the light of the pleaded case of the plaintiffs, submits that in case the defendants are ready to undertake to not to engage in the sale of the product for the next one year, then the present suit can be disposed of at this stage itself, thereby avoiding wastage of precious time of the Court.

Learned counsel for the defendants prays for time to seek instructions.

List on 30.01.2018.”

Today, the learned counsel for the defendant has stated that his client has no objection to the course of action which has been proposed with the caveat that he would be entitled to apply for his own patent.

This caveat is acceptable to the counsel for the plaintiff.

In the circumstances, the present suit is disposed of on the basis of the statement that without prejudiced to his rights to the defendants would voluntarily not engaged in development or sale of product till 31.12.2018.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

30.1.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No