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

+ CS(COMM) 912/2016 & IAs No.8861/2009 (u/O XXXIX R-1&2 CPC), 11156/2009 (u/O XXXIX R-4 CPC), 13877/2016 (u/S 124 of T.M. Act), 5532/2017 (u/O VII R-10 CPC) & 2847/2018 (u/O XXIII R-3 CPC)

MERCK SHARP & DOHME CORP. & ANR Plaintiffs
Through: Mr. Pravin Anand and Ms. Vaishali Mittal, Advs.

Versus

KANWAL KAKKAR & ORS Defendants
Through: Ms. Ekta Sharma, Adv. for D-1&3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

26.02.2018

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1. The counsel for the two plaintiffs namely Merck Sharp & Dohme Corp. and MSD Pharmaceuticals Pvt. Ltd. and the counsel for the surviving defendants Kanwal Kakkar and Park Pharmaceuticals state that the disputes subject matter of this suit have been settled on terms contained in application under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (CPC) filed in this Court today morning vide Diary No.66861/2018.
2. The said application be called for and got numbered.
3. The counsel for the plaintiffs has handed over in the Court a copy of the said application and the counsel for the defendants aforesaid confirms the same to be a copy of the application filed.
4. The said copy of the application is taken on record.

5. I have perused the compromise arrived at between the parties and find the same to be lawful and allow the same.
6. The counsel for the plaintiffs states that though in para 2(j) of the application, it is mentioned that the plaintiffs will pay Rs.8,00,000/- to the defendants before this Court today but the said amount will be paid within two weeks of today.
7. The counsel for the defendants is agreeable.
8. The application is allowed.
9. A decree is passed in terms of prayer paragraph 27(a) to (d) of the amended plaint dated 13th December, 2013 and in terms of the compromise application and today's order, both of which shall also form part of the decree sheet, leaving the parties to bear their own costs.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

FEBRUARY 26, 2018

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