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

% *Date of Decision: 22nd September, 2022*

+ CS(COMM) 183/2022 & I.A. 4689-91/2022, 8678/2022, 10302/2022

SANDVIK INTELLECTUAL
PROPERTY AB & ANR.

..... Plaintiffs

Through: Ms. Vaishali Mittal and Mr. Rohin
Koolwal, Advocates.

versus

SAI DEEPA ROCK DRILLS
PRIVATE LIMITED & ANR.

..... Defendants

Through: Mr. Ravi Kiran Singh, Mr. Surabh
Maheswari, Ms. Divya Singh, Advocates for D-1.
Mr. Amit Sibal, Senior Advocate with Mr. Vivek
Ayyagari, Ms. Priyam Lizmary Cherian,
Ms. Shruti Jain and Ms. Abhiti Vachher,
Advocates for D-2.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. On 12.09.2022, learned counsel appearing on behalf of Defendant No. 2 had given an undertaking, on instructions, that no action would be taken on behalf of Defendant No. 2, which would amount to infringement of the subject suit patent, till the next date of hearing.
2. It was further submitted that insofar as disclosures are concerned, the requisite details including those of the products manufactured have been given in a sealed cover. Defendant No. 2 had stated that it had no objection



to the details being shared with the learned counsel appearing on behalf of the Plaintiffs.

3. The only issue that remained between the parties was with regard to legal cost.

4. Mr. Amit Sibal, learned Senior Counsel appearing on behalf of Defendant No. 2 and Ms. Vaishali Mittal, learned counsel appearing on behalf of the Plaintiffs submit that the parties have amicably resolved the dispute relating to legal cost and Defendants are willing to suffer an injunction *albeit* with certain modifications in the prayer clause in the plaint. It is agreed that Defendants shall pay to the Plaintiffs cost of Rs. 20,00,000/- and the suit can be decreed.

5. Accordingly, suit is decreed granting a decree of permanent injunction in favour of the Plaintiffs, restraining the Defendants, their directors, affiliates, partners, employees, officers, agents, distributors, dealers and all others acting for and on their behalf from making, using, selling, distributing, advertising, offering for sale, importing and in any other manner directly or indirectly, commercializing or dealing in the products that infringe the subject matter of Plaintiff No. 1's registered Patents No. IN 236257 and IN 271693, till the expiry of the said Patents. Cost of Rs.20,00,000/- is awarded in favour of the Plaintiffs and against the Defendants, to be borne by Defendant No. 2.

6. Registry is directed to draw up the Decree sheet, accordingly.

7. Plaintiffs are entitled to refund of the entire Court Fees deposited by them, in accordance with provisions of Section 16 of the Court Fees Act, 1870 read with Section 89 CPC, 1908.



8. Court appreciates the efforts made by learned Senior Counsel and learned counsels for the parties in arriving at the settlement.
9. Suit is accordingly disposed of along with pending applications.

JYOTI SINGH, J

SEPTEMBER 22, 2022/rk/shivam

