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

% *Date of Decision: 02nd November, 2022*

+ CS(COMM) 210/2022 & I.A. 5198-99/2022

VIFOR (INTERNATIONAL) LTD & ANR. Plaintiffs

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

versus

HETERO HEALTHCARE LIMITED & ORS. Defendants

Through: Mr. Ajay Sahni, Mr. Aashish
Arora and Mr. Shrey Gupta, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. On 29.08.2022, Mr. Ajay Sahni, learned counsel for the Defendants had stated that Defendants have neither launched the impugned product nor they intend to do so, till the expiry of the suit patent and are willing to suffer injunction to this effect and had sought time to take further instructions in the matter with regard to costs.

2. Learned counsel appearing on behalf of Plaintiffs, on instructions, submits that Plaintiffs are willing to give up their claim for damages but press for nominal cost. She candidly submits that cost may be paid by the Defendants for some good cause.

3. In view of the statement made by learned counsel for the Defendants today, on instructions, that they will not launch the impugned product till the expiry of the suit patent or its validity, whichever is earlier, the suit is decreed in terms of para 74(a) of the plaint, in favour of Plaintiffs and against the Defendants, with cost of

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Rs. 1,00,000/- to be paid in favour of Delhi High Court Bar Clerks Association, within a period of two weeks from today, as agreed.

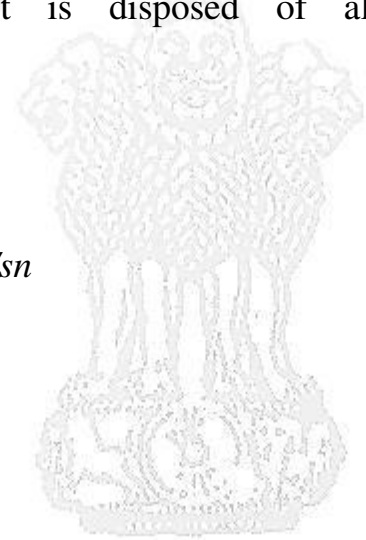
4. Plaintiffs are entitled to refund of the Court Fees deposited by them, in accordance with provisions of Section 16 of the Court Fees Act, 1870 read with Section 89 CPC, 1908.

5. Registry is directed to draw up the Decree Sheet.

6. Accordingly, suit is disposed of along with pending applications.

JYOTI SINGH, J

NOVEMBER 02, 2022/sn



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