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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 77/2023 CM APPL. 20358/2023 CM APPL.**
20359/2023
BOEHRINGER INGELHEIM PHARMA
GMBH AND CO KG & ANR. Appellant

Through: Mr.Sandeep Sethi, Sr Advocate with
Dr.Sanjay Kumar, Ms.Arпита
Swahney, Mr.Arun Kumar Jana,
Ms.Meenal Khurana, Mr.Harshit
Dixit and Mr.Priyansh Sharma,
Advocates

versus

VEE EXCEL DRUGS AND PHARMACEUTICALS
PRIVATE LIMITED & ORS. Respondent
Through: Mr.Ajay Amitabh Suman, Advocate.

(27)

+ **FAO(OS) (COMM) 74/2023 CM APPL. 20328/2023**
CM APPL. 20329/2023
BOEHRINGER INGELHEIM PHARMA
GMBH AND CO KG & ANR. Appellant

Through: Dr.Sanjay Kumar, Ms.Arпита
Swahney, Mr.Arun Kumar Jana,
Ms.Meenal Khurana, Mr.Harshit
Dixit and Mr.Priyansh Sharma,
Advocates

versus

ALKEM LABORATORIES LTD & ANR. Respondent
Through: Mr.George Vithayathil, Advocate.

(28)

+ **FAO(OS) (COMM) 75/2023 CM APPL. 20332/2023**
CM APPL. 20333/2023
BOEHRINGER INGELHEIM PHARMA
GMBH AND CO KG & ANR. Appellant

Through: Mr.Sandeep Sethi, Sr Advocate with
Dr.Sanjay Kumar, Ms.Arпита
Swahney, Mr.Arun Kumar Jana,



Ms.Meenal Khurana, Mr.Harshit
Dixit and Mr.Priyansh Sharma,
Advocates

versus

MICRO LABS LIMITED & ANR. Respondent
Through: Mr.Afzal B Khan, and Mr.Samik
Mukherjee, Advocates

(29)

+ FAO(OS) (COMM) 76/2023 CM APPL. 20336/2023
CM APPL. 20337/2023
BOEHRINGER INGELHEIM PHARMA
GMBH AND CO KG & ANR. Appellant
Through: Dr.Sanjay Kumar, Ms.Arпита
Swahney, Mr.Arun Kumar Jana,
Ms.Meenal Khurana, Mr.Harshit
Dixit and Mr.Priyansh Sharma,
Advocates

versus

MANKIND PHARMA LIMITED Respondent
Through: Mr.George Vithayathil, Advocate..

(30)

+ FAO(OS) (COMM) 78/2023 CM APPL. 20362/2023
CM APPL. 20363/2023
BOEHRINGER INGELHEIM PHARMA
GMBH AND CO KG & ANR. Appellant
Through: Mr.Sandeep Sethi, Sr Advocate with
Dr.Sanjay Kumar, Ms.Arпита
Swahney, Mr.Arun Kumar Jana,
Ms.Meenal Khurana, Mr.Harshit
Dixit and Mr.Priyansh Sharma,
Advocates

versus

NATCO PHARMA LIMITED & ANR. Respondent
Through: Mr.G.Nataraj and Ms.Varsha Jhavar,
Advocates for R1.
Mr.Afzal B Khan, and Mr.Samik
Mukherjee, Advocates for R2.



(31)

+ FAO(OS) (COMM) 79/2023 CM APPL. 20366/2023
CM APPL. 20367/2023

BOEHRINGER INGELHEIM PHARMA
GMBH AND CO. KG & ANR.

..... Appellant

Through: Dr.Sanjay Kumar, Ms.Arпита
Swahney, Mr.Arun Kumar Jana,
Ms.Meenal Khurana, Mr.Harshit
Dixit and Mr.Priyansh Sharma,
Advocates.

versus

VEE EXCEL DRUGS AND PHARMACEUTICALS
PRIVATE LIMITED & ORS.

..... Respondent

Through: Mr.Ajay Amitabh Suman, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

21.02.2024

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1. The appellant has filed the present appeals impugning an order dated 29.03.2023 passed by the learned Single Judge whereby the applications filed under Order XXXIX Rule 1 & 2 of the Civil Procedure Code, 1908 seeking interim orders restraining the respondents from infringing the patents, were rejected.

2. The learned counsels for the parties state that the said patents have since expired and the appellant, in any event, cannot now claim interim orders or reliefs restraining any party from infringing the said patent.

3. Mr.Sethi, learned senior counsel appearing on behalf of the appellant fairly states that the principal relief does not survive any more. However, he states that the learned Single Judge had also imposed heavy costs, which in the present case, is wholly unjustified.

4. The impugned order restraining infringement of patents in question



does not survive and is vacated. In so far as payment of costs is concerned, we do not consider it apposite to entertain these appeals. However, we clarify that the costs as imposed by the learned Single Judge shall be subject to the final outcome in the suits. The appellant shall deposit costs with the Registrar General of this Court (instead of paying the same to the respondents or the Delhi High Court Legal Services Committee). The Registrar General of this Court shall keep the amount deposited in an interest bearing account and the same would be abide by the orders that may be passed by the learned Single Judge at the time of final disposal of the suits. The rights and contentions of the parties are not foreclosed. The impugned orders are modified to the aforesaid extent.

5. In view of above, the appeal(s) stand disposed of with aforesaid clarification. Pending applications also stand disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

FEBRUARY 21, 2024

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