



\$~44

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

+ **CS(COMM) 256/2020**

**BOEHRINGER INGELHEIM PHARMA GMBH AND CO. KG &
ANR.** Plaintiffs

Through: Dr. Sanjay Kumar, Ms. Arpita
Sawhney, Ms. Meenal Khurana, Ms.
Pallavi Kiran, Mr. Arun Kumar Jana,
Mr. Priyansh Sharma and Ms. Akshita
Prasad, Advocates.

versus

NATCO PHARMA LIMITED Defendant

Through: Mr. G. Nataraj, Mr. Shashikant Yadav
and Mr. Rahul Bhujbal, Advocates.

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

ORDER
13.05.2024

%

**I.A. 10624/2024(u/O XXIII Rule 3 of CPC) [to be read as u/Order XXIII
Rule 1 of CPC]**

1. By way of the present suit, the Plaintiffs allege infringement of their statutory rights over the Indian Patent Number 224186. During the pendency of the suit, parties have amicably resolved their disputes and executed a Settlement Agreement dated 14th December, 2023¹. Accordingly, the instant application has been filed jointly to pray for a compromise decree under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (CPC).

2. At the outset, it is clarified that although the present application has

¹ "Settlement Agreement"



been filed under Order XXIII Rule 3 of CPC, however, Ms. Meenal Khurana, counsel for Plaintiffs, states on instructions that, as per the terms of the Settlement Agreement, Plaintiffs are to withdraw the present suit. Thus, she requests that the instant application be treated as one under Order XXIII Rule 1 of CPC. Mr. G. Nataraj, counsel for Defendant, agrees to the said request. Accordingly, the present application is treated as one under Order XXIII Rule 1 of CPC for withdrawal of the suit.

3. In light of the fact that the parties have settled their disputes and this is a joint request seeking permission for withdrawal of the suit, the same is allowed. Parties shall remain bound by the terms of settlement including the confidentiality clause.

4. Application is disposed of.

CS(COMM) 256/2020

5. In light of the order passed in I.A. 10624/2024, the suit is dismissed as withdrawn, along with pending application(s), if any.

6. Since the suit is being withdrawn pursuant to a settlement between the parties, Plaintiffs' request for refund of court fees is accepted. Registry is directed to issue a certificate for refund of full court fees in favour of the Plaintiffs.

7. The next date of hearing fixed, i.e., 06th August, 2024, stands cancelled.

SANJEEV NARULA, J

MAY 13, 2024/d.negi