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

+ **CS(COMM) 915/2023 & I.A. 25717/2023 I.A. 21321/2025**

ALKEM LABORATORIES LTD

.....Plaintiff

Through: Mr Sagar Chandra, Mr. Srijan Uppal,
Mr. Abhishek Bhati and Mr.
Subhadeep Das, Advs.

versus

M S VOLANT PHARMACEUTICALS & ORS.Defendants

Through: Mr. Vivek Ranjan, Mr. Rinku, and
Mr. Sarath Prakash, Advs.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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29.08.2025

I.A. 21321/2025 (Order XXIII Rule 3 CPC)

1. The present application has been filed jointly by the parties under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (CPC), seeking disposal of the suit in terms of the Settlement arrived at between the parties.
2. The underlying suit has been filed by the Plaintiff against the Defendants seeking permanent injunction restraining infringement of Trademark, Copyright, passing off, etc.
3. Learned counsel for the parties' state that the Plaintiff and the Defendants decided to settle their dispute amicably and to avoid any further litigation.
- 3.1. They state that the terms of the settlement are more specifically recorded in paragraph '5' of the captioned application.



3.2. They state that the suit may be decreed and disposed of in terms of the captioned application.

3.3. They state that as pleaded in the captioned application at paragraph 5 (r) the suit may be decreed against the defendant in terms of the paragraph 54 (i) to (vi) of the plaint. They state that Plaintiff has given up all other reliefs.

3.4. They state that cost of Rs. 1,50,000/- stands paid by the Defendants to the Plaintiffs and there is no further executory obligation which are to be performed by the parties.

4. This Court is satisfied that the compromise between the parties as contained in the captioned application satisfies the requirement of the Order XXIII Rule 3 CPC; the agreement is lawful and therefore, this Court does not find any impediment in disposing of the underlying suit in terms of the aforementioned settlement.

5. The statement and undertakings given by the learned counsel for the parties are accepted by this Court and the parties are held bound by the same.

6. Consequently, the captioned suit is hereby decreed in terms of the paragraph 54 (i) to (vi) of the plaint as well as in terms of the conditions agreed between the parties as recorded in the captioned application. The remaining reliefs in the plaint are dismissed as not pressed.

7. The Registry of this Court is directed to draw a decree in terms of this order. The settlement terms set out in the captioned application shall also form part of the decree.

Refund of Court fees

8. The Plaintiff has also requested for refund of court fees.



9. Keeping in view the aforesaid facts, the registry is directed to refund 100% Court Fee in favour of Plaintiff within six (6) weeks, in accordance with law. The said direction has been passed having regard to Section 16 and 16A of the Court Fees Act, 1870, and the judgment of the Supreme Court in **High Court of Judicature at Madras v. M.C. Subramaniam & Ors**¹.

10. Interim orders, if any, stand merged into the final decree.

11. Pending applications, if any, stands disposed of.

12. All future dates stand cancelled.

13. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

AUGUST 29, 2025/hp

¹ (2021) 3SCC 560.