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

+ **CS(COMM) 607/2024**

FMC CORPORATION & ORS.Plaintiffs

Through: Mr. George Vithayathil and Ms. Ahaana
Singh Rana, Advocates.

versus

NATCO PHARMA LIMITEDDefendant

Through: Mr. J. Sai Deepak, Senior Advocate
with Mr. Sidhant Goel, Mr. Mohit Goel,
Mr. Aditya Goel, Mr. Deepankar
Mishra, Mr. Avinash K. Sharma and
Mr. Kartikeya Tandon, Advocates.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **30.04.2026**

I.A. 12224/2026 in CS(COMM) 607/2024 (Under Order XXIII Rule 3, CPC)

1. This is a joint application filed under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (hereinafter referred to as '*CPC*') seeking recordal of settlement between the parties.
2. Learned counsel for the parties state that the *inter se* disputes have been resolved amicably out of Court.
3. The terms of settlement is stated to have been recorded into writing *vide* the Settlement Agreement dated 31.03.2026. It is further stated by the learned counsel that the Settlement Agreement dated 31.03.2026 contains certain confidential information, which the parties do not want disclosure of.
4. Though the terms of the Settlement Agreement are confidential, however, for the purpose of disposal of the suit and drawing up a decree, it is



found relevant to extract para nos.1, 2, 3, 5, and 8 to 12 of the Settlement Agreement dated 31.03.2026, which are not confidential in nature and primarily constitute the parties' intention to close the dispute. The said paras are extracted hereunder:

"1. This Agreement, being executed concurrently constitutes the entire understanding between the Parties with respect to the subject matter thereof and shall remain in effect with respect to the confidentiality obligations and terms specified therein. Without prejudice to the contentions of the Parties in the above-mentioned Suits [bearing CS(COMM) Nos. 607 of 2024 and 787 of 2023] and Revocation Petition [bearing C.O.(COMM.IPD-PAT) No. 7 of 2023] and with the intent to resolve the pending dispute without going into trial, the present Agreement is being entered into on account of the considerations given hereinbelow.

2. The Parties acknowledge that this Agreement is entered into without prejudice to their rights and the respective contentions of both Parties concerning the Indian Patent Nos. IN '645 and IN '358.

3. The Parties agree that they have no further claims in respect of the above-mentioned Suits and Revocation Petition and the subject patents and settle the matter on the terms set forth in this Agreement.

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5. The Parties undertake to file an application before the Hon'ble Court to record the settlement and seek disposal of the above-mentioned Suits and Revocation Petition promptly on conclusion of the execution of the present Agreement.

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8. The Parties agree to present this Agreement to the Hon'ble Court, either during the hearing or in a sealed cover, to ensure confidentiality of the settlement terms therein.

9. This Agreement shall be governed by and construed in accordance with the laws of India. Any disputes arising out of or in connection with this Agreement shall be subject to the exclusive jurisdiction of the Courts in New Delhi, India.

10. The terms of this Agreement are binding upon and shall inure to the benefit of the Parties and their respective successors and assigns.



11. The Parties agree that they have executed the present Agreement by their free will and volition without any force or pressure from anybody.

12. The Parties undertake that they agree to and are bound by this Agreement henceforth and further undertake to abide by the terms and conditions set out in this Agreement and not to dispute the same hereinafter in future.”

5. Paras 4, 6, 7 and 13 are in the nature of confidential term and therefore, are not being extracted hereunder.
6. The said application is supported by the affidavit of the authorized representatives of both the parties.
7. This Court has perused the terms of the settlement and finds them lawful as also within the contours or Order XXIII Rule 3, CPC.
8. The Settlement Agreement dated 31.03.2026 along with all its appendices is taken on record. However, having regard to the fact that certain terms are confidential in nature, the parties are directed to place on record the original Settlement Agreement dated 31.03.2026 in a sealed cover.
9. The parties shall remain bound by the terms of settlement.
10. Let a decree sheet be drawn up in terms of the para nos. 1, 2, 3, 5, and 8 to 12, and except para nos. 4, 6, 7 and 13.
11. The suit is decreed and disposed of in the aforesaid terms along with all the pending applications.
12. The next date of hearing i.e. 18.09.2026 stands cancelled.

TUSHAR RAO GEDELA, J

APRIL 30, 2026/anj