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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ C.O.(COMM.IPD-PAT) 8/2023, I.A. 21802/2023 & I.A. 21806/2023  
SAISUN PHARMA PVT LTD .....Petitioner  
Through: Mr. G. Nataraj and Ms. Shreem  
Choubey, Advocates.  
versus

NOVARTIS AG & ANR. ....Respondents  
Through: Ms. Mamta Jha, Mr. Abhay Tandon and  
Ms. Kriti Chulet, Advocates for R-1.  
Mr. Syed Abdul Haseeb, CGSC.  
Mr. Siddhartha Shankar Ray, CGSC  
alongwith Ms. Sonali Modi ad Mr.  
Mukul Dev, Advocates for R-2.

**CORAM:**  
**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

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**21.01.2026**

1. It is submitted by Mr. G. Nataraj, learned counsel appearing for the petitioner that the post grant opposition filed by a third party against the respondents was allowed under Section 25(2) read with Section 25(4) of the Patent Act, 1970 and the patent was revoked. He submits that in such circumstances, the present petition may effectively become infructuous unless the respondents file an appeal for setting aside the decision of the Controller.
2. The learned counsel for respondents have no objection to the petition being dismissed as infructuous on the basis of the aforesaid statement of Mr. G. Nataraj.
3. The present petition is dismissed as infructuous reserving the rights of the petitioner to reinitiate similar proceedings in future. As such, the petition is dismissed as infructuous on the aforesaid statement.

**TUSHAR RAO GEDELA, J**

**JANUARY 21, 2026**

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