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

+ **CS(COMM) 307/2022 & I.A. 108/2023, I.A. 7325/2022**

NOVARTIS AG & ANR. Plaintiffs

Through: Mr. Siddhant Sharma, Ms. Garima
Mehta and Mr. Abhay Tandon, Advs.

versus

MSN LABORATORIES PRIVATE LIMITED

..... Defendant

Through: Ms. Rajeshwari H. and Mr. Tahir
A.J., Advs.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **16.01.2023**

I.A. 108/2023

1. This application seeks restoration of I.A. 7325/2022 as, after the passing of the order dated 26th May 2022, the defendant has obtained a manufacturing license in respect of the product Ribociclib which forms subject matter of proceedings with controversy in the present case.

2. Mr. Rajeshwari learned Counsel for the defendant has no objection to this application being allowed.

3. Accordingly, this application is allowed.

4. I.A. 7325/2022 would be taken up for hearing on merits.



I.A. 7325/2022 (u/o XXXIX Rule 1 and 2)

5. Mr. Siddhant Sharma learned Counsel for the plaintiff appearing today acknowledges that *qua* the compound forming subject matter of controversy in the present case, there is no *ad interim* order in favour of the plaintiffs. As such, this application would have to be heard.
6. Mr. Siddhant Sharma seeks a short adjournment in order to enable learned Counsel ready to argue the matter.
7. Both sides are directed to file short notes of the respective submissions not exceeding four pages each after exchanging copies with each other accompanied by duly indexed compilations of any judicial authorities on which they may seek to place reliance after exchanging copies with each other at least 48 hours in advance of the next date of hearing.
8. Re-notify on 3rd February 2023 for disposal.

C.HARI SHANKAR, J

JANUARY 16, 2023
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