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

+ C.O.(COMM.IPD-PAT) 68/2022 & I.A. No. 48929/2024 &
49004/2024

GSP CROP SCIENCE PRIVATE LIMITEDPetitioner

Through: Mr. G. Nataraj and Mr. Rahul
Bhujbal, Advs. (M: 8527855815) (E-
mail: rahul@gnataraj.com)

versus

FMC AGRO SINGAPORE PTE LTD & ORS.Respondents

Through: Mr. Sandeep Sethi, Sr. Adv., Dr.
Sanjay Kumar, Ms. Arpita Sawhney,
Ms. Meenal Khurana, Ms. Pallavi
Kiran , Mr. Arun Kumar Jana and Ms.
Pratiksha Varshney, Advs. (M:
9810404749)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

19.12.2024

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I.A. 48929/2024

1. The present application has been filed on behalf of the respondents under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), seeking dismissal of the revocation petition as infructuous.
2. Learned Senior Counsel appearing for the respondents, states that the term of the subject patent has expired on 29th July, 2023 and, therefore, the Revocation Petition has become infructuous.
3. Issue notice. Notice is accepted by learned counsel appearing for the petitioner.



4. Let reply be filed within a period of four weeks. Rejoinder, if any, be filed within a period of two weeks, thereafter.

5. List on 7th April, 2025.

I.A. 49004/2024

6. The present application has been filed on behalf of the respondent nos. 1 and 2 under Section 151 of CPC.

7. Learned Senior Counsel appearing for the respondents submits that the respondent nos. 1 and 2 have instituted a patent infringement action *qua* subject matter against different entities, including, the petitioner herein.

8. He further submits that a suit for infringement of the subject patent is pending and has also been filed by respondent nos. 1 and 2 against the petitioner, which is pending adjudication.

9. It is submitted that the filing of the revocation petition was a deliberate action as the same was filed despite the petitioner being aware that respondent nos. 1 and 2 had filed a suit for infringement of the subject patent against it before this Court, prior to the revocation petition on 15th September, 2022.

10. Thus, learned Senior Counsel for the respondent submits that the revocation petition having been filed later in point of time on the institution of the infringement suit, is not maintainable, and is unsustainable in law.

11. Issue notice. Notice is accepted by learned counsel appearing for the petitioner.

12. Let reply be filed within a period of four weeks. Rejoinder, if any, be filed within a period of two weeks, thereafter.



13. List on 7th April, 2025.

MINI PUSHKARNA, J

DECEMBER 19, 2024/ng