

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).2469/2006

(From the judgement and order dated 25/11/2005 in OSA No. 232/2005 &
OSA No. 233/2005 & OSA No. 234/2005 of The HIGH COURT OF MADRAS)

HETERO DRUGS LTD.
(s)

Petitioner

VERSUS

WOCKHART LTD. & ORS.
(s)

Respondent

(With appln(s) for permission to submit additional document(s) and
prayer for interim relief)
(For final disposal)

Date: 05/04/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH
HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Ms. Pratibha M. Singh, Adv.
Mr. Saurabh Mishra, Adv.
Mr. Sunil Fernandes, Adv.
Mr. Alankar Kirpekar, Adv.
Mr. R.Murlidharan, Adv.
Mr. Maninder Singh, Adv.

For Respondent(s)

Mr. Sudhir Chandra, Sr.Adv.
Mr. K.V.Mohan, Adv.
Mr. Satish Kumar, Adv.
Mr. Alok Gupta, Adv.
Mr. Bhagabati Prasad Padhy, Adv.
Mr. K.V.Balakrishnan, Adv.

UPON hearing counsel the Court made the following

O R D E R

Application for permission to submit additional documents is allowed.

Special leave granted.

-2-

Pending disposal of the appeal, the order of injunction granted by the High Court is modified and confined to the manufacture of the Nadifloxacin Cream 1% only, for which the respondents have obtained E.M.R. No.1/2003 on 15.12.2003 under Section 24A of the Indian Patents Act, 1970.

The order which we have passed is without prejudice to the rights and contentions of the parties in the proceedings pending before the concerned authorities for revocation of the E.M.R. or rejection of the application for product patent. It is also without prejudice to the rights and contentions of the parties in the writ petition filed by the petitioners before the Bombay High Court for revocation of the E.M.R., and the Writ Petition filed by the respondents in the Delhi High Court for cancellation of the drug license of the petitioner.

It will also not prevent the High Courts concerned from disposing of the matters pending before them as expeditiously as

possible.

Liberty to mention for early date of hearing.

(SUKHBIR PAUL KAUR)
COURT MASTER

(VIJAY DHAWAN)
COURT MASTER