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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(COMM) 428/2025**

**MANKIND PHARMA LIMITED**

.....Plaintiff

Through: Mr. Rajiv Nayar, Senior Advocate  
with Mr. Ankur Sangal, Mr. Ankit  
Arvind, Mr. Raghu Vinayak Sinha &  
Mr. Shaurya Pandey, Advocates.

versus

**LIFEKIND PHARMACEUTICALS PRIVATE  
LIMITED**

.....Defendant

Through:

**CORAM:  
HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER**  
**07.05.2025**

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**I.A. 11492/2025 (u/s 12A of the Commercial Courts Act, 2015)**

1. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.

2. The application stands disposed of.

**I.A. 11493/2025 (u/O XI Rule 1 (4) of CPC, 1908)**

3. The present application has been filed on behalf of the plaintiff seeking leave to file additional documents under the Commercial Courts Act, 2015.



4. The plaintiff is permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018, within thirty (30) days.

5. The application stands disposed of.

**I.A. 11494/2025 (u/s 149 of the CPC)**

6. Counsel appearing on behalf of the plaintiff, submits that the requisite court fees shall be paid within one (1) week.

7. The aforesaid statement of counsel for the plaintiff is taken on record.

8. The application is disposed of.

**I.A. 11495/2025 (exemption from filing originals, clearer copies of documents with proper margins, etc.)**

9. Allowed, subject to the plaintiff filing clearer copies of the documents and documents with prescribed margins within four (4) weeks from today.

10. The plaintiff is exempted from filing originals at this stage.

11. The application stands disposed of.

**I.A. 11496/2025 (seeking exemption from advance service of the suit paper book upon the defendant)**

12. The plaintiff seeks urgent interim relief against the defendant with regard to counterfeit products, and for this purpose, an *ex-parte* appointment of Local Commissioners is also sought to confiscate the counterfeit products. It is submitted that there is a probability that the defendant may remove the counterfeit products if the defendant is given advance service of the suit paper book.

13. Therefore, in the peculiar facts and circumstances of this case, exemption from effecting advance service upon the defendant is granted.

14. The application is disposed of.



**CS(COMM) 428/2025**

15. Let the plaint be registered as a suit.
16. Issue summons.
17. Summons be issued to the defendant through all permissible modes. The summons shall state that the written statement shall be filed by the defendant within thirty (30) days from the date of the receipt of summons. Along with the written statement, the defendant shall also file an affidavit of admission/ denial of the documents of the plaintiff, without which the written statement shall not be taken on record.
18. Liberty is given to the plaintiff to file replication, if any, within thirty (30) days from the receipt of the written statement. Along with the replications filed by the plaintiff, affidavit of admission/ denial of the documents of the defendant be filed by the plaintiff.
19. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.
20. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
21. List before the Joint Registrar on 06<sup>th</sup> August, 2025, for completion of service and pleadings.
22. List before the Court on 08<sup>th</sup> October, 2025.

**I.A. 11490/2025 (u/O-XXXIX Rules 1 & 2 of the CPC)**



23. The present suit has been filed seeking relief of permanent/ perpetual injunction restraining the defendant from infringement of trade mark of the plaintiff and passing off, along with other ancillary reliefs.

**CASE SETUP IN THE PLAINT**

24. The plaintiff Company is engaged in the business of manufacturing, selling and exporting pharmaceutical products. The trade mark “MANKIND” was adopted by the plaintiff in the year 1986 in respect of medicinal and pharmaceutical goods.

25. The products of the plaintiff are sold under the trade mark/ trade name “MANKIND” and other brands. The plaintiff also has various registrations in respect of the trade mark “MANKIND”, the details of which are given in paragraph 8 of the paint.

26. The plaintiff’s Trade mark “MANKIND” has also been declared as a “well-known” trade mark by the Registrar of trademarks.

27. Along with the “MANKIND” marks, the plaintiff, since its inception, has also been using “KIND” as a prefix or suffix in its product names to build a distinctive brand identity and gain market recognition. Since 1986, the plaintiff has launched over a hundred (100) products under the “MANKIND” trademark and other “KIND” formative marks, which are marketed and sold across India and internationally. Further, as part of its brand development strategy, the plaintiff has developed over 330 trademarks incorporating “KIND”. It is stated that by widely using the “KIND” formative marks, the plaintiff’s products have garnered substantial goodwill and reputation.

28. The plaintiff has secured approximately 200 registrations for “KIND” formative marks, details of which are given in paragraph 15 of the plaint.



The table containing details of registration for the “KIND” formative marks is given below:

| S. No. | Registration Number | Trademark  | Date of Registration | Class |
|--------|---------------------|------------|----------------------|-------|
| 1.     | 2457970             | KIND       | 10/01/2013           | 5     |
| 2.     | 2458007             | KIND       | 10/01/2013           | 35    |
| 3.     | 2458013             | KIND       | 10/01/2013           | 44    |
| 4.     | 780841              | HEPAKIND   | 04-12-1997           | 5     |
| 5.     | 1091518             | GLYKIND    | 02-04-2002           | 5     |
| 6.     | 1091520             | AMLOKIND   | 02-04-2002           | 5     |
| 7.     | 1091524             | LIPIKIND   | 02-04-2002           | 5     |
| 8.     | 1126977             | URIKIND    | 19-08-2002           | 5     |
| 9.     | 1177228             | THERMOKIND | 21-02-2003           | 5     |
| 10.    | 1179121             | NUROKIND   | 28-02-2003           | 5     |
| 11.    | 1186848             | TEXAKIND   | 28-03-2003           | 5     |
| 12.    | 1237543             | VOMIKIND   | 17-09-2003           | 5     |
| 13.    | 1248997             | FLOKIND    | 12-11-2003           | 5     |
| 14.    | 1248982             | DOLOKIND   | 12-11-2003           | 5     |
| 15.    | 1249462             | RABEKIND   | 13-11-2003           | 5     |
| 16.    | 1192873             | CEFAKIND   | 21-04-2003           | 5     |
| 17.    | 1262687             | HERPIKIND  | 22-01-2004           | 5     |
| 18.    | 1297735             | MOXIKIND   | 22-07-2004           | 5     |
| 19.    | 1315947             | ASTHAKIND  | 18-10-2004           | 5     |
| 20.    | 1331176             | LOSAKIND   | 11-01-2005           | 5     |
| 21.    | 1446143             | TELMIKIND  | 13-04-2006           | 5     |



|     |         |             |            |   |
|-----|---------|-------------|------------|---|
| 22. | 1459373 | FERIKIND    | 30-05-2006 | 5 |
| 23. | 1457185 | PANTAKIND   | 26-05-2006 | 5 |
| 24. | 1412438 | ELECTROKIND | 09-01-2006 | 5 |
| 25. | 1580968 | MEFKIND     | 20-07-2007 | 5 |
| 26. | 1588776 | VITAKIND    | 09-08-2007 | 5 |
| 27. | 1578946 | CALDIKIND   | 16-07-2007 | 5 |

29. The plaintiff runs and maintains a website [www.mankind.com](http://www.mankind.com) which is said to be registered on 21<sup>st</sup> June, 1995. Along with this, the plaintiff is also the registered owner of various domain names which use the trade mark “MANKIND”.

30. The plaintiff has provided the details of its sales turnover from the financial year 2011-12 to 2023-24 in paragraph 24 of the plaint. It is pertinent to note that in the FY 2023-24, the sales turnover of the plaintiff was to the tune of Rs. 9264 crores. The sales figures of the top twenty-five products of the plaintiff under the "KIND" formative trademarks are given in paragraph 25 of the plaint.

31. The plaintiff also widely promotes its products bearing the “KIND” formative marks. The advertisement and promotional expenses incurred by the plaintiff are provided in paragraph 26 of the plaint.

32. In the last week of April 2025, the plaintiff discovered the defendant’s product listed under the trademark "ACETAKIND" on the third-party website [www.indiamart.com](http://www.indiamart.com). The plaintiff found that the defendant was not only using the trademark, trade name, and name “LIFEKIND”, but had also adopted the "KIND" formative marks to market pharmaceutical products. A



comparative table illustrating the similarities between the trade mark of the plaintiff and the impugned mark of the defendant is set out below:

| <b>PLAINTIFF'S TRADE MARKS</b> | <b>DEFENDANT'S TRADE MARKS</b> | <b>STATUS IN TRADE MARKS REGISTRY</b> |
|--------------------------------|--------------------------------|---------------------------------------|
| MANKIND                        | LIFEKIND                       | Abandoned                             |
| KIND                           | LIFEKIND                       |                                       |
| MANKIND                        | ACETAKIND                      | Opposed                               |
| KIND                           | ACETAKIND                      |                                       |

33. It is stated that the defendant's use of "LIFEKIND" and "ACETAKIND" for identical pharmaceutical products infringes upon the plaintiff's statutory and common law rights in its trademark "MANKIND" and other "KIND" formative marks.

34. It is further averred that the plaintiff had first come across the defendant in 2016, when it noticed a trademark application filed by the defendant for the mark "FEKIND" (application no. 2324586 in Class 5). Although no corresponding products were found in the market at that time, the plaintiff opposed the application and has been contesting the proceedings. Subsequently, the plaintiff discovered several other applications filed by the defendant for marks such as "CEPOKIND-CV", "OFKIND", and "ACETAKIND", among others. Opposition proceedings



were similarly initiated in respect of these marks. Despite the pendency of these oppositions, the defendant continued to file further applications adopting the “KIND” formative marks, including “LIFEKIND”, “OFKIND-OZ”, “CEPOKIND CV”, “ACETAKIND”, “LYPOKIND”, “RAZKIND”, “ONEKIND”, “CALKIND”, “CEFIKIND”, MONTEKIND, “CEFIKINDOF”, etc.

35. A comparative table illustrating the similarities between the trade mark of the plaintiff and the mark adopted by the defendant is set out below:

| <b>PLAINTIFF'S OTHER<br/>TRADE MARK</b> | <b>DEFENDANT'S<br/>OTHER TRADE<br/>MARKS</b> | <b>STATUS IN<br/>TRADE MARKS<br/>REGISTRY</b> |
|-----------------------------------------|----------------------------------------------|-----------------------------------------------|
| CEFAKIND                                | CEFIKIND                                     | Abandoned                                     |
| CALDIKIND                               | CALKIND                                      | Abandoned                                     |
| KOFKIND                                 | OFKIND                                       | Opposed                                       |
| ONDIKIND                                | ONDEKIND                                     | Abandoned                                     |
| AZIKIND                                 | RAZIKIND                                     | Abandoned                                     |

36. The other marks adopted by the defendant, which have been either opposed or abandoned, are given below:

| <b>S. NO</b> | <b>TRADEMARK</b> | <b>STATUS</b> |
|--------------|------------------|---------------|
|--------------|------------------|---------------|



|    |             |           |
|----|-------------|-----------|
| 1. | FEKIND      | Opposed   |
| 2. | CEPOKIND CV | Opposed   |
| 3. | ZEEKIND     | Opposed   |
| 4. | LYPOKIND    | Abandoned |
| 5. | MONTEKIND   | Abandoned |

37. During the course of filing the present suit, the plaintiff became aware that the defendant had secured registration for the mark “CEFIKIND-OZ” (registration no. 3094723 in Class 5).

38. It is stated that the plaintiff has never encountered any commercial use of the said mark, and the plaintiff has also initiated rectification proceedings against the said mark.

39. Counsel for the plaintiff submits that an *ad interim* injunction can be granted even in a case where there is a registration in favour of the other party, if the competing marks are deceptively similar. Reliance is placed on **Corza International v. Future Bath Products Pvt. Ltd.**, 2023 SCC OnLine Del 153, wherein the Division Bench upheld the grant of injunction by a Single Bench despite both parties being registered proprietors, on the ground of deceptive similarity and prior use..

40. Based on the averments in the plaint, the plaintiff has been able to establish its rights over the ‘MANKIND’ marks as well as its “KIND” formative marks.

41. It is clear from the above that the defendant has adopted deceptively similar marks as those of the plaintiff in respect of identical products, i.e. pharmaceutical products.



42. The defendant's cumulative adoption of a series of "KIND" formative marks, several of which have been opposed by the plaintiff and subsequently abandoned, demonstrates a clear pattern of dishonest conduct. Further from the continuous and deliberate pattern of filing new trade mark applications involving "KIND" formative marks by the defendant, it is evident that the adoption of the suffix "KIND" is neither arbitrary nor innocent.

43. Plainly, an attempt has been made by the defendant to create an impression that the products being sold by the defendant is connected to the plaintiff. A *prima facie* case is made out on behalf of the plaintiff.

44. Balance of convenience is in favour of the plaintiff and against the defendant. Irreparable injury would be caused to the plaintiff if the defendant continues to use the impugned marks. Prejudice would also be caused to the public as the marks of the defendant are deceptively similar to those of the plaintiff and are likely to cause confusion in the market.

45. Consequently, till the next date of hearing, defendant, its proprietors, partners or directors, as the case may be, its principal officers, servants, distributors, dealers and agents, and all others acting for and on behalf of the Defendant, are restrained from selling, offering for sale, advertising, directly or indirectly dealing in any goods and services under the Impugned Trade Marks "LIFEKIND"/ "LIFEKIND PHARMACEUTICAL"/ "FEKIND"/ "CEPOKIND"/ "OFKIND"/ "ACETAKIND"/ "CALKIND"/ "CEFIKIND"/ "COUGHKIND"/ "LYPOKIND"/ "MONTEKIND"/ "ONEKIND"/ "RAZIKIND"/ "ZEEKIND" and or any other "KIND" formative trade mark or trade name as may be identical to or deceptively similar with the



Plaintiff's registered trade mark "MANKIND"/ "KIND" and "KIND" formative trade marks and their variants thereof.

46. In view of the fact that the plaintiff has sought appointment of Local Commissioner to seize the counterfeit products, the very purpose of grant of *ex-parte ad interim* injunction would be defeated if the defendant is given notice contemplated in Order XXXIX Rule 3 of Code of Civil Procedure, 1908 (hereinafter 'CPC') prior to the execution of the commission. Hence, it is directed that the plaintiff shall serve notice under Order XXXIX Rule 3 of CPC at the time of execution of the commission, which shall not be later than one (1) week from today. The necessary affidavit shall be filed within one week thereafter.

47. Issue Notice.

48. Notice be issued to the defendant through all permissible modes, including e-mail.

49. Reply be filed within four (4) weeks.

50. Rejoinder thereto, if any, be filed within two (2) weeks thereafter.

51. List before the Joint Registrar on 06<sup>th</sup> August, 2025, for completion of service and pleadings.

52. List before the Court on 08<sup>th</sup> October, 2025..

**I.A. 11491/2025 (O-XXVI R-9 & 10 of the CPC)**

53. The present application has been filed under Order XXVI Rule 9 of the CPC seeking appointment of Local Commissioners to visit and inspect the premises of the defendant, make an inventory of all products, labels, packaging/ promotional material, etc. bearing the impugned marks (hereinafter referred to as 'infringing material') and effect seizure of the same.



54. In view of what is stated above, the plaintiff has made out a case for the appointment of Local Commissioners.

55. Accordingly, Ms. Shilpa Kumari, Advocate (Mobile No +91 8278877932) is appointed as a Local Commissioner to visit the premises of the defendant situated in:

*Lifekind Pharmaceuticals Private Limited*  
*4/125, Viram Khand, Gomti Nagar, Lucknow,*  
*Uttar Pradesh, India, 226010*

56. The fee of the Local Commissioner, to be borne by the plaintiff, is fixed at Rs. 1,50,000/-.

57. Ms. Muskan Sethi, Advocate (Mobile No +91 9871880548) is appointed as Local Commissioner to visit the premises of the defendant situated at:

*Lifekind Pharmaceuticals Private Limited*  
*K-183, Swaroop Nagar, Delhi 110042*

58. The fee of the Local Commissioner, to be borne by the plaintiff, is fixed at Rs. 1,00,000/-.

59. The following directions are passed in this regard:

- a. The Local Commissioners, along with a representative of the plaintiff and its counsel, shall be permitted to enter upon the premises of the defendant mentioned above or any other location/premises that may be identified during the course of commission, in order to conduct the search and seizure.
- b. The Local Commissioners shall conduct a search at the defendant's premises and seize the infringing goods, including any packaging/ promotional material reflecting infringement.



- c. The Local Commissioners shall make an inventory of all the infringing products including but not limited to label/packaging material (hereinafter referred to as 'infringing material').
- d. After seizing infringing material, the same shall be sealed and signed by the Local Commissioners, in the presence of the parties, and released on *superdari* to the defendant on their undertaking to produce the same as and when further directions are issued in this regard.
- e. The Local Commissioners shall also be permitted to make copies of the books of accounts, including ledgers, cash registers, stock registers, invoices, books, etc., insofar as they pertain to the infringing products.
- f. The defendant and its representatives are directed to provide full assistance to the Local Commissioners for executing the present commission.
- g. In case, the aforesaid premises of the defendant or any part thereof are found locked, the Local Commissioners are permitted to break open the locks and doors for execution of the commission.
- h. To ensure an unhindered and effective resolution of this order, the SHO of the local police station having jurisdiction over the aforesaid premises and the DCP concerned are directed to render the necessary protection and assistance to the local commissioners, if and when sought.
- i. The Local Commissioners shall have the liberty to take photographs and/or videos of the stock seized and to take a sample of the infringing products to be filed along with the Report.



60. The Local Commissioner shall file its Reports within two (2) weeks of executing the commission, along with photographs taken and photocopies of the books of account and stock and the inventory procured pursuant thereto.
61. Along with the fee, the plaintiff shall also bear expenses for travel and lodging of the Local Commissioners and other miscellaneous out-of-pocket expenses for the execution of the commission.
62. The application stands disposed of in the above terms.
63. The order passed today shall not be uploaded for a period of two (2) weeks from today.
64. *Dasti.*

**AMIT BANSAL, J**

**MAY 07, 2025**  
*at*