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

+ CS(COMM) 469/2025, I.A. 12171/2025, I.A. 12172/2025, I.A. 12173/2025, I.A. 12174/2025 & I.A. 12175/2025

HIMALAYA GLOBAL HOLDINGS LTD & ANR. ....Plaintiffs

Through: Mr. J. Sai Deepak, Senior Advocate  
with Mr. Vishal Nagpal, Advocate

versus

JEENA SIKHO LIFECARE LIMITED & ORS. ....Defendants

Through: Mr. Ashwini Kumar Upadhyay and  
Mr. Chandra Shekhar, Advocates for  
D-1.

Mr. Nishant Kumar, Mr. Aakash Vats  
and Mr. Shivam Singh, Advocates for  
D-2.

**CORAM:**

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

**ORDER**

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**14.05.2025**

**I.A. 12174/2025 (u/O XI Rule 1(4) of CPC, 1908)**

1. The present application has been filed on behalf of the plaintiffs seeking leave to file additional documents.

2. The plaintiffs are 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.

3. Accordingly, the application is disposed of.

**I.A. 12175/2025 (exemption from filing original/clearer copies etc.)**

4. Allowed, subject to the plaintiffs filing legible copies of documents

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within four (4) weeks from today.

5. The application stands disposed of.

**CS(COMM) 469/2025, I.A. 12172/2025 (u/O XI Rule 2 of CPC, 1908) and I.A. 12173/2025 (u/S 12-A of the Commercial Courts Act, 2015)**

6. Let the plaint be registered as a suit.

7. Issue summons in the suit and notice in the present applications.

8. Mr. Ashwini Kumar Upadhyay and Mr. Nishant Kumar, advocates accept summons in the suit and notice in the applications on behalf of the defendants no.1 and 2 respectively and waive issuance of formal summons.

9. None appears on behalf of the defendants no. 3 to 6 despite advance service.

10. Issue summons to the defendants no.3 to 6 by all permissible modes.

11. Written statement(s) to the suit and reply to the applications shall be filed by the defendants within thirty days from today. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiffs, without which the written statement(s) shall not be taken on record.

12. Liberty is given to the plaintiffs to file replication(s), if any, within thirty days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiffs, affidavit of admission/denial of the documents of the defendants be filed by the plaintiffs.

13. Rejoinder(s), if any, to the reply(ies) to the applications filed by the defendants, shall be filed within two weeks after the receipt of such reply(ies).

14. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are

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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.

15. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

**I.A. 12171/2025 (u/O XXXIX Rules 1 and 2 of CPC, 1908)**

16. The present application has been filed seeking an *ad interim* injunction restraining the defendants from infringing the plaintiffs' registered trademark "LIV 52" and its formative marks.

17. Issue notice

18. Notice is accepted by the counsel appearing on behalf of the defendants no.1 and 2.

19. None appears on behalf of the defendants no.3 to 6 despite advance service.

20. Notice be issued to the defendants no.3 to 6 through all permissible modes.

21. Counsel for the defendant no.2 submits on instructions that the defendant no.2 is only a manufacturer of goods bearing the impugned marks and the defendant no.2 does not claim any rights in the same. He further submits that the defendant no.2 shall forthwith cease from manufacturing products bearing the impugned marks which contain the mark 'LIV'.

22. Mr. J. Sai Deepak, senior counsel appearing on behalf of the plaintiffs points out that besides the similarity of the marks adopted by the defendant no.1, the defendant no.1 is also using the same colour combination of green, white and saffron as used by the plaintiffs.

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23. Mr. Upadhyay, counsel appearing on behalf of the defendant no.1 submits that the defendant no.1 is willing to change the colour combination of green, white and saffron used by it so as to distinguish the same from the plaintiffs' packaging.

18.1. The aforesaid change shall be effected within two (2) weeks from today.

24. The defendant no.1 shall be permitted to exhaust the existing stock of goods bearing the packaging with the colour combination of green, white and saffron, subject to the defendant no.1 filing an affidavit giving details of the existing stock as on this day.

25. The aforesaid affidavit shall be filed by the defendant no.1 within two weeks from today.

26. The defendant no.1 shall also file an affidavit within four weeks from today, disclosing the details of the sales of the products bearing the marks LIV-DS, JS-LIV 111, GE-LIV FORTE, LIVE SHUDDHI and LIV Balance in a sealed cover.

27. Reply be filed within four weeks from today.

28. Rejoinder thereto, if any, be filed within two weeks thereafter.

29. List on 21<sup>st</sup> July, 2025.

**AMIT BANSAL, J**

**MAY 14, 2025**

*Vivek/-*

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