



2026:DHC:3575

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

+ **CS(COMM) 934/2024 & I.A. Nos. 43164-43167/2024**

MULTANI PHARMACEUTICALS LIMITEDPlaintiff

Through: Mr. Pravin Anand with Mr. Ashutosh
Upadhyaya and Mr. Arun Kumar Jha,
Advocates.

(M): 8860812443

Email: ashutosh@anandandanand.com

versus

MAYURI BHUPAL BHAMAREDefendant

Through: None.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **24.10.2024**

I.A. 43167/2024 (Exemption from filing clear and certified copies of documents)

1. The present is an application under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), on behalf of the plaintiff, seeking exemption from filing clear and certified copies, translated copies and originals of documents.
2. Exemption is granted, subject to all just exceptions.
3. Plaintiff shall file legible, clear, and translated copies of the documents, on which the plaintiff may seek to place reliance, before the next date of hearing.
4. Accordingly, the present application is disposed of.



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I.A. 43165/2024 (Exemption from instituting Pre-Institution Mediation)

5. The present is an application under Section 12A of the Commercial Courts Act, 2015, read with Section 151 of CPC, seeking exemption from undergoing Pre-Institution Mediation.

6. Having regard to the facts of the present case and in the light of the judgment of Supreme Court in the case of *Yamini Manohar Versus T.K.D. Keerthi*, 2023 SCC OnLine SC 1382, and Division Bench of this Court in *Chandra Kishore Chaurasia Versus RA Perfumery Works Private Ltd.*, 2022 SCC OnLine Del 3529, exemption from attempting Pre-Institution Mediation, is granted.

7. Accordingly, the application stands disposed of.

I.A. 43166/2024 (Application seeking leave to file additional documents)

8. This is an application under Order XI Rule 1(4) read with Section 151 CPC as amended by the Commercial Courts Act, 2015, seeking leave to file additional documents.

9. The plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of Commercial Courts Act, 2015, and the Delhi High Court (Original Side) Rules, 2018.

10. The application is disposed of, with the aforesaid directions.

CS(COMM) 934/2024

11. None appears for the defendant despite advance service.

12. Attention of this Court has been drawn to the affidavit of service, wherein the defendant has been served on the known and valid address of the defendant.

13. Accordingly, let the present plaint be registered as suit.

14. Upon filing of the process fee, issue summons to the defendant by all



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permissible modes. Summons shall state that the written statement be filed by the defendant within thirty days from the date of receipt of summons. Along with the written statement, the defendant shall also file affidavit of admission/denial of the plaintiff's documents, without which, the written statement shall not be taken on record.

15. Liberty is given to the plaintiff to file replication within thirty days from the date of receipt of the written statement. Further, along with the replication, if any, filed by the plaintiff, an affidavit of admission/denial of documents of the defendant, be filed by the plaintiff, without which, the replication shall not be taken on record. If any of the parties wish to seek inspection of the documents, the same shall be sought and given within the timelines.

16. List before the Joint Registrar (Judicial) for marking of exhibits, on 16th December, 2024.

17. List before the Court on 06th March, 2025.

I.A. 43164/2024 (Application under Order XXXIX Rules 1 and 2 CPC)

18. The present suit has been filed for permanent injunction, restraining infringement of trademarks, passing off, misrepresentation, dilution, unfair competition, tarnishment, damages, rendition of accounts, delivery up etc.

19. Learned counsel appearing for the plaintiff submits that through the instant suit, the plaintiff is seeking, *inter alia*, a decree of permanent injunction restraining the defendant from infringing the plaintiff's registered trademarks

“MULTANI”,



and from passing off the plaintiff's trademark MULTANI.



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20. It is submitted that the defendant in the instant suit have dishonestly and *malafidely* adopted the plaintiff's trade name and its distinctive trademark and have been using the impugned name MULTANI SKIN



ESSENTIALS and the logos as their trade name and as trade mark for goods and services identical to that of the plaintiff, thereby infringing the plaintiff's registered trademark.

21. It is further submitted that the plaintiff is the prior adopter and user of the unique and arbitrary trademark MULTANI and has been using the same since 1905 as part of its trade name and as a trademark. In view of the same, and the fact that the said marks have acquired immense goodwill and reputation over a long period of time in association with ayurvedic pharmaceutical products, ayurvedic cosmetics products and other allied goods/services, the subsequent adoption of an identical mark, MULTANI



and by the defendant is necessarily deliberate, dishonest, and aimed at riding upon the immense goodwill and reputation enjoyed by the plaintiff. The defendant is, *inter alia*, wilfully not only infringing the plaintiff's registered trademarks, but is also passing off his goods as those of the plaintiff's which is clearly in flagrant violation of the plaintiff's statutory and common law rights.



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22. It is further submitted that the plaintiff operates under the house mark “MULTANI”,



and offers a diverse range of nearly 500 products under various categories such as Personal Care, Healthcare, Home Care, and Ayurvedic, Unani medicines, nutraceuticals, food & consumables, and cosmetics. A few of the well-known products of the plaintiff include Multani KUKA Cough Syrup, Multani Chyawanprash, Multani Shaktiton Bal Tonik, Multani Rajbhog Prash, Multani Pachmeena, and Multani Rovaan Keshtel, which have become household names by winning the trust of customers in India and globally. The plaintiff’s product range spans from classical Ayurvedic medicines to Ayurvedic OTC products, catering to a wide spectrum of consumer needs.

23. It is submitted that by virtue of consistent use of the trademark “MULTANI”,



as trade name, trademark and house mark, in English and Devnagari script, for over eight decades in association with high quality Ayurvedic/Unani products and a reliable reputation in the market in India



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and worldwide, the trademark MULTANI has acquired distinctiveness and have become synonymous with Ayurvedic pharmaceutical products and related services.

24. It is further submitted that apart from asserting strong common law rights, owing to its prior adoption of the mark MULTANI, the plaintiff has also secured multiple registrations of its mark in India across multiple classes, i.e. 1, 3, 5, 16, 18, 25, 30, 31, 32, 37, 39, 40, 44 etc. Details of few of the plaintiff's trademark registrations in India, as given in the plaint are reproduced, as follows:

S. No	Trademark	Registration Number	Date of Application	Products
1.	MULTANI PACHMEENA	416173	17.01.1984	Ayurvedic medicines in class 5
2.	MULTANI AYURVEDIC PHARMACY	416174	17.01.1984	Ayurvedic medicines in class 5
3.	MULTANI JEEVAK	416180	01.01.1955	Ayurvedic medicines in class 5
4.		1364142	15.06.2005	Soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices included in class 03.
5.		1769603	31.12.2008	Hair oils, essential oils and non- medicated cosmetics included in class 03.
6.		1364140	15.06.2005	Soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices included in class 03.



25. It is submitted that the device



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further qualify as ‘artistic work’ under Section 2(c) of the Copyright Act, 1957. All the sketches/drawings (including digital drawings) of the mentioned labels are original artistic works, solely produced and owned by the plaintiff, by virtue of which the proprietorship of the said logo rests solely with the plaintiff.

26. It is further submitted that the priority of adoption and use, trademark registrations and the copyright in the original artistic work of labels give sole and exclusive rights to the plaintiff to use or authorize the use of the said trademarks and device in relation to the goods and services belonging to classes with respect to which the marks are registered. Further, the plaintiff has the right to obtain relief in respect of infringement of the trademark in the manner provided by the Trade Marks Act, 1999. Moreover, in view of the prior use, common law rights and early registration, the plaintiff is entitled to restrain any individual who may, without authorization from the plaintiff, adopt and use a mark which is either identical or confusingly similar to the trademark MULTANI.

27. It is submitted that the plaintiff’s trademark, ‘MULTANI’, which is in use since 1905, has become a household name across India for ayurvedic drugs and cosmetics products. The trademark ‘MULTANI’ has acquired a secondary meaning, being exclusively associated with the plaintiff’s products. Further, this long-standing use of the trademark MULTANI as plaintiff’s company’s name and popularity, have resulted in substantial goodwill and reputation in the trademark ‘MULTANI’.

28. It is further submitted that on account of long, exclusive and extensive use of the trademark MULTANI as trade name, house mark and trademark, coupled with a wide customer base, promotion activities and long presence,



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the said trademarks have acquired enviable goodwill and impeccable trade reputation, and therefore, is well-known among the public and trade. The brand MULTANI of the plaintiff has become synonymous with the businesses of the plaintiff and has become a distinctive trademark.

29. It is submitted that sometime towards the end of August 2024, the plaintiff came across the defendant's trademark application bearing number 5239810 dated 09th December, 2021 in class 3, for the trademark



In the examination report dated 03rd January, 2022, issued by the Trademark Registry, two of the plaintiff's registered trademarks were cited by the examiner. The defendant replied to the Examination Report and to clear the objection raised by the registry, made the following submissions:

"That the opponents are using a brand "MULTANI" "MULTANI" "MULTAN/ UBTAN" for his own brand and the applicant is using a brand "MULTAN/ SKIN ESSENTIALS" which can be considered as a generic word to remove objection."

30. It is further submitted that such illegal adoption of the impugned marks and infringing trade name 'MULTANI SKIN ESSENTIALS' by the defendant, for manufacturing and selling infringing products, is clearly in bad faith, done with a dishonest intention to ride upon the reputation and goodwill created by the plaintiff owing to their long, continuous, and extensive use of the brand MULTANI and the quality of services and products associated with the said brand in India and abroad. By virtue of such deceitful adoption of the defendant, the plaintiff is bound to suffer



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dilution, diminution, weakening and eventual erosion of the goodwill, reputation and the positive associations linked to the said trademarks and devices and the brand MULTANI not only in India but also abroad.

31. It is submitted that the defendant has no valid or justifiable reason to adopt and use the impugned marks and the trade name, which is identical to that of the plaintiff's trade name and prior trademark MULTANI, other than to ride upon the established and hard-earned goodwill of the plaintiff in the said trademarks. The defendant is conscious of the fact that the consumers, in India or abroad, associates the trademark MULTANI with the plaintiff and in order to exploit the plaintiff's reputation and goodwill, the defendant adopted MULTANI as part of her trade name and logo.

32. It is further submitted that the defendant's bad faith adoption of the trade name and the impugned marks containing the plaintiff's distinctive trademark and trade name MULTANI in entirety for manufacturing and sale of identical products is with an intention of targeting the plaintiff's customers and disrupt its market. Given the fact that the plaintiff is one of the leading players in the ayurvedic and herbal cosmetics business and has been carrying on business under the trademark MULTANI since 1905, it is unfathomable that the defendant was not aware that the trademark MULTANI is proprietary to the plaintiff. On the contrary, the adoption of a well-known trademark of the plaintiff by the defendant cannot be a mere coincidence, but a well-planned move to cash upon their goodwill and reputation in the market. Further, the defendant has no plausible explanation for adoption and use of identical trade name and trademarks in the same industry and for the same product as that of the plaintiff.



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33. It is submitted that there can be no *bona fide* explanation that the defendant can offer for adopting the mark and trade name, which is identical to the plaintiff's well-known trademark MULTANI, apart from wanting to induce an impression in consumers' minds that the defendant is associated with or has been authorized by the plaintiff to conduct its business under the mark and trade name MULTANI.

34. Learned counsel appearing for the plaintiff has drawn the attention of this Court to the document pertaining to the registration in favour of the plaintiff, which shows the user detail of the device mark Multani with Label since 01st April, 1938. The document pertaining to the same is reproduced as under:-

(NOT FOR LEGAL USE)

As on Date : 22/10/2024

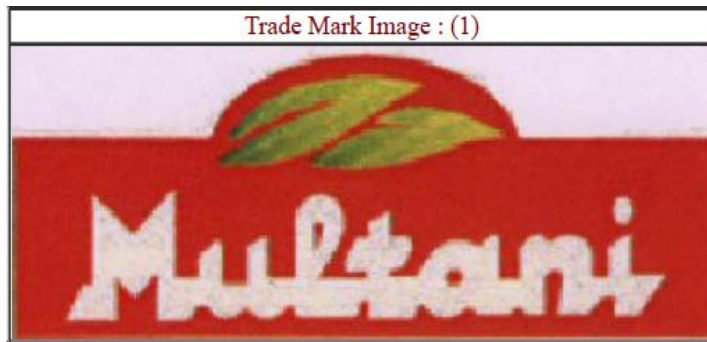
Status : Registered

[View TM Application](#)[View Additional Representation Sheet](#)[View Examination Report](#)

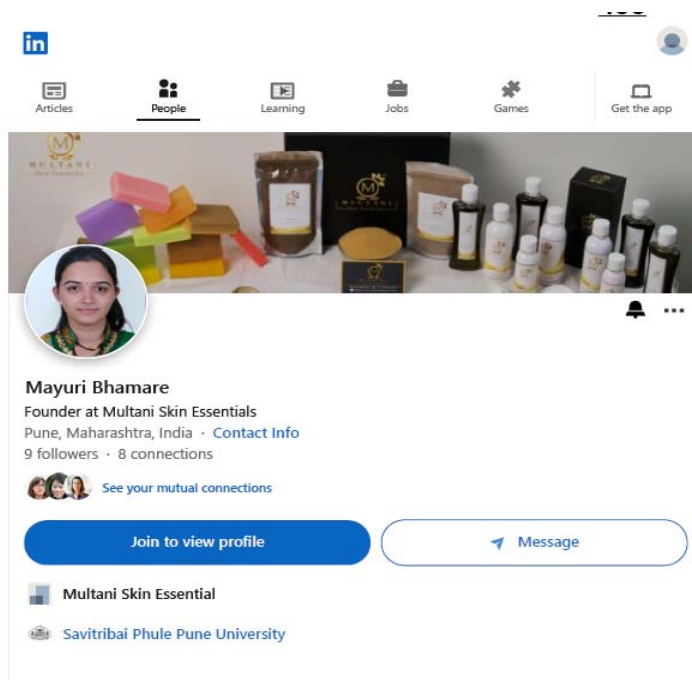
TM Application No.	1769603
Class	3
Date of Application	31/12/2008
Appropriate Office	DELHI
State	DELHI
Country	India
Filing Mode	Branch Office
TM Applied For	Multani with Label
TM Category	TRADE MARK
Trade Mark Type	DEVICE
User Detail	01/04/1938
Certificate Detail	Certificate No. 937325 Dated : 14/02/2011
Valid upto/ Renewed upto	31/12/2028
Proprietor name	(1) MULTANI PHARMACEUTICALS LTD. Body Incorporate
Proprietor Address	H. 36, CONNAUGHT PLACE, NEW DELHI - 110 001.
Email Id	
Agent name	THE ACME COMPANY[337]
Agent Address	B-41, JAIPUR ESTATE, NIZAMUDDIN EAST, NEW DELHI - 110 013.
Goods & Service Details	[CLASS : 3] HAIR OILS, ESSENTIAL OILS AND NON- MEDICATED COSMETICS INCLUDED IN CLASS 03.
Restrictions	THIS IS SUBJECT TO ASSOCIATION WITH REGISTERED/PENDING REGISTRATION NO.1364140 7 OTHERS
Publication Details	Published in Journal No. : 1442-0 Dated : 16/06/2010



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35. Attention of this Court has also been drawn to the documents to show that the defendant has started the business under the infringing name since the year 2021. The Linkedin page of the defendant showing the business of the defendant, with the infringing name since 2021, as follows:-



About

Mayuri started her own homemade organic skincare product line - Multani Skin Essentials in 2021. As a skincare and wellness enthusiast, her product line has variety of beauty products which are free from chemical additives that are not good for the skin. After couple of years experiments, Multani Skin Essentials created few products which are made out naturally available ingredients like Oils, Herbals, etc.



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Our Product line includes: Face Pack & Scrub, Pimple Pack, Pigmentation Pack, Ubtan, Hair Masks and Oils. We also provide products based on custom requirements.

Activity

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Thank You Namrata Champanerkar and Mayuri Bhamare for being my first guests and the speakers at #NewlyMinted. It was my pleasure to host you. For...
Liked by Mayuri Bhamare

Experience

Founder at Multani Skin Essentials

Multani Skin Essential

Apr 2021 - Present · 3 years 7 months

Pune, Maharashtra, India

Founded Multani Skin Essentials in 2021, successfully established the business in local market and e-commerce. Currently, scaling the business throughout India.

Associate

Infosys

May 2013 - May 2014 · 1 year 1 month

Pune, Maharashtra, India

36. Attention of this Court has also been drawn to the application of the defendant, which has duly been opposed by the plaintiff herein. The date of publication of the said application in the journal is dated 05th August, 2024, when the plaintiff came to know about the activity of the defendant.

37. In the above circumstances, the plaintiff has demonstrated a *prima facie* case for grant of injunction and, in case, no *ex parte ad interim* injunction is granted, the plaintiff will suffer an irreparable loss. Further, balance of convenience also lies in favour of the plaintiff, and against the defendants.



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38. This Court also notes the fact that none has appeared for the defendant despite advance service.

39. Accordingly, till the next date of hearing, the defendant, its partners, directors, proprietors, subsidiaries, affiliates, franchisees, officers, servants, agents, distributors, stockists, representatives, licensees and anyone acting for or on their behalf are restrained from directly or indirectly, from selling, exporting, offering for sale, advertising, manufacturing, mentioning on any online platform, dealing in any manner whatsoever or otherwise using, including as a part of its corporate name or trade name, the mark

MULTANI,  and/or any other mark identical or deceptively similar to the plaintiff's registered trademarks,

 (Multani), ,
MULTANI

,  and/or any permutations/combinations thereof amounting to infringement of the plaintiff's trademarks, passing off, amounting to misrepresentation and/or unfair competition.

40. Issue notice to the defendant by all permissible modes upon filing of the Process Fee, returnable on the next date of hearing.



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41. Let reply be filed within a period of four weeks.
42. Rejoinder thereto, if any, be filed within two weeks, thereafter.
43. Compliance of Order XXXIX Rule 3 CPC, be done, within a period of one week.
44. List before the Court on 06th March, 2025.

MINI PUSHKARNA, J

OCTOBER 24, 2024

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