$~39

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

\+ CS(COMM) 1399/2025

MANKIND PHARMA LIMITED .....Plaintiff

Through: Mr. Ankur Sangal, Mr. Ankit Arvind, Ms. Nidhi Pathak and Mr. Rishabh Rao, Advocates.

versus

MEDIKIND BIO SCIENCE PRIVATE LIMITED & ORS. .....Defendants

Through:

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

<u>O R D E R</u>

% 22.12.2025

<u>I.A. 32412/2025(Exemption)</u>

1. Exemption is allowed, subject to all just exceptions.

2. The Application stands disposed of.

<u>I.A. 32410/2025(Exemption from pre-institution Mediation)</u>

3. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015 ("**CC Act**").

4. As the present matter 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.

5. The Application stands disposed of.

I.A. 32413/2025(Exemption from advance service to the Defendants)

6. This is an Application filed by the Plaintiff under Section 151 of the Code of Civil Procedure, 1908 ("**CPC**"), seeking exemption from advance service to the Defendants.

7. Mr. Ankur Sangal, learned Counsel for the Plaintiff, submitted that there is a real and imminent likelihood that the Defendants may take immediate steps to dispose of, conceal or suppress its infringing business operations and digital footprints bearing the deceptively similar Trade Mark.

8. In view of the fact that the Plaintiff has sought an urgent *ex-parte ad-interim* injunction along with the appointment of the Local Commissioner, the exemption from advance service to the Defendants is granted.

9. The Application is disposed of.

I.A. 32414/2025(Extension of time to file Court Fees)

10. The present Application has been filed by the Plaintiff under Section 149 read with Section 151 of the CPC, seeking exemption from payment of Court Fees at the time of the filing of the Suit.

11. Considering the submissions made in the present Application, time of two weeks is granted to deposit the Court Fees.

12. The Application stands disposed of.

CS(COMM) 1399/2025

13. Let the Plaint be registered as a Suit.

14. Issue Summons. Let the Summons be served to the Defendants through all permissible modes upon filing of the Process Fee.

15. The Summons shall state that the Written Statement(s) shall be filed by the Defendants within 30 days from the date of the receipt of Summons.

Along with the Written Statement(s), the Defendants shall also file an Affidavit of Admission / Denial of the documents of the Plaintiff, without which the Written Statement(s) shall not be taken on record.

16. Liberty is granted to the Plaintiff to file Replication(s), if any, within 30 days from the receipt of the Written Statement(s). Along with the Replication(s) filed by the Plaintiff, an Affidavit of Admission / Denial of the documents of Defendants be filed by the Plaintiff, without which the Replication(s) shall not be taken on record.

17. In case any Party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

18. If any of the Parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

19. List before the learned Joint Registrar on 23.02.2026 for completion of service and pleadings.

I.A. 32411/2025(Additional Documents)

20. The present Application has been filed on behalf of the Plaintiff under Order XI Rule 1(4) of the CPC as applicable to Commercial Suits under the CC Act, seeking leave to place on record additional documents.

21. The Plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.

22. Accordingly, the Application stands disposed of.

I.A. 32408/2025(U/O XXXIX Rule 1 and 2 of the CPC)

23. Issue Notice. Notice be served through all permissible modes upon filing of the Process Fees.

24. The present Suit has been filed for permanent injunction restraining infringement of the registered Trade Marks, 'PANTAKIND', 'KIND' and 'MANKIND' ("**Plaintiff's Marks**"), passing off, dilution, unfair competition for rendition of accounts/damages, delivery up, etc.

25. The learned Counsel for the Plaintiff made the following submissions:

25.1. The Plaintiff is a public limited company and is the fourth largest pharmaceutical company of India and is engaged in the manufacturing and supply of medicinal, pharmaceutical, consumer healthcare and wellness products across India and globally. The Plaintiff has the sales turnover of approximately ₹9497 crores for the Financial Year ("**FY**") 2024-25 and is the number one prescription drug company in India by volumes.

25.2. The Plaintiff's Mark, 'MANKIND' was adopted by the Plaintiff in the year 1986, and is registered in various classes under the Nice Classification for various goods and services. The Plaintiff's Mark, 'MANKIND' has acquired tremendous goodwill and reputation in India and all over the world, and the Plaintiff's Mark, 'MANKIND' has also been declared as a well-known Trade Mark by the Registrar of Trade Marks under Rule 124 of the Trade Marks Rules, 2017. The details of registration of the Plaintiff's Mark, 'MANKIND' is as under:

S. NO.	Trade Mark	Reg. No.	Class & Description	Date of Reg.
1.	MANKIND	5645154	5	13/10/2022
2.	Mankind	657871	5	07/03/1995
3.		2468879	5	30/01/2013
4.	Mankind Serving Life	2510537	5	09/04/2013
5.	Discovery Mankind	2510592	5	09/04/2013
6.	Life Mankind	4836045	5	27/01/2021
7.	Mankind	2061279	35	30/11/2010
8.	Mankind Serving Life	2510565	35	09/04/2013
9.	MANKIND	2245094	44	07/12/2011
10.	Mankind Serving Life	2510558	44	09/04/2013

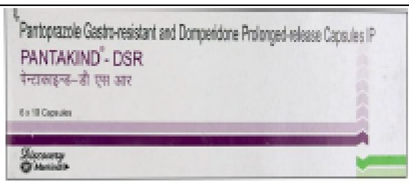
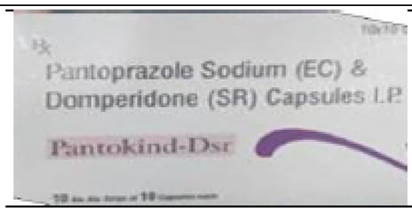
25.3. The Plaintiff, since its inception, has strategically incorporated 'KIND' as a prefix / suffix across its product portfolio to establish a distinctive brand identity and market recognition. Through consistent branding, the Plaintiff has successfully created a strong association in the marketplace, particularly within pharmaceutical trade circles, whereby products bearing the Plaintiff's Mark, 'KIND' are immediately recognized as originating from the Plaintiff. The relevant registration for the Plaintiff's Marks, 'PANTAKIND', and 'KIND' are as under:

S.No.	Reg. No.	Trade Mark	Date of Reg.	Class
1	2457970	KIND	10-01-2013	5
2	2458007	KIND	10-01-2013	35
3	2458013	KIND	10-01-2013	44
4	1457185	PANTAKIND	26-05-2006	5

25.4. The Plaintiff also runs and maintains a website, www.mankind.com ("**Plaintiff's Website**") which was registered on 21.06.1995. The Plaintiff's Website is accessible to customers worldwide and it provides information about the business and the products provided by the Plaintiff. The Plaintiff is also the registered owner of various domain names which uses the Plaintiff's Marks such as, www.mankindpharma.com, www.mankindmanforce.com, www.mankindkaloree1.com, www.vetmankind.com, www.petmankind.com, www.mankindpharma.org, www.mankindunwanted.com, www.mankinddontworry.com, www.futuremankind.com, www.caremankind.com, www.mankindpharma.net, www.specialmankind.com, and www.magnetmandkind.com.

25.5. On 14.12.2025, the Plaintiff came across pharmaceutical products being sold in the market under the Marks, 'PANTOKIND' ("**Impugned Trade Mark**"), and the Trade Name, 'MEDIKIND' ("**Impugned Trade Name**").

25.6. The Defendants are not only prominently using the Impugned Trade Name but also, in an attempt to come closer to the Plaintiff, the Defendants have adopted the Plaintiff's Mark, 'KIND' and the Impugned Trade Mark in respect of identical pharmaceutical products. The Defendants have dishonestly adopted the Impugned Trade Mark and the Impugned Trade Name, which are deceptively similar to the Plaintiff's Marks. A comparison between the Plaintiff's Marks and the Impugned Trade Mark and Impugned Trade Name, is produced hereunder:

PLAINTIFF'S MARKS	IMPUGNED TRADE MARK & IMPUGNED TRADE NAME
PANTA**KIND**	**PANT**O**KIND**
KIND MAN**KIND**	MEDI**KIND**
KIND	PANTO**KIND**
	

26. Having considered the submissions advanced by the learned Counsel for the Plaintiff, the pleadings and the documents on record it is clear that the Plaintiff is the owner of the Plaintiff's Marks. The Plaintiff has been able to establish long and continuous use of the Plaintiff's Mark with respect to medicinal, pharmaceutical, consumer healthcare and wellness products. The Plaintiff has demonstrated the goodwill and reputation acquired by the Plaintiff's product under the Plaintiff's Marks. The Plaintiff's turnover for FY 2024-25 was ₹9497 crores. The Defendants' use of the Impugned Trade Mark and the Impugned Trade Name is *prima facie* dishonest and nothing but an attempt to ride the goodwill and reputation of the Plaintiff's Marks so as to cause confusion in the market.

27. The Defendants are not only riding on the immense and valuable goodwill and reputation enjoyed by the Plaintiff but is also attempting to

show some association or nexus with the Plaintiff, where none exists. There is a strong likelihood that unwary consumers will be duped into buying the infringing product under the Impugned Trade Mark by believing them to be originating from the Plaintiff, which is detrimental to not only the reputation and goodwill of the Plaintiff, but is also detrimental to the consumers as they are being deceived into buying inferior quality products of the Defendants. The Defendants have adopted the Impugned Trade Mark which are deceptively similar to the Plaintiff's Marks.

28. The Defendants' use of the Impugned Trade Name is infringing the Plaintiffs' Marks by virtue of Section 29(5) of the Trade Marks Act, 1999 as it is deceptively similar to the Plaintiffs' Marks.

29. This is a case of triple identity, where the Plaintiff's Marks and the Impugned Trade Mark and the Impugned Trade Name are deceptively similar, the product category is identical and the trade channel as also the consumer base is identical. The Plaintiff being the prior user, adopter and the registered owner of the Plaintiff's Marks is entitled to protection. The Impugned Trade Name is also being used for dealing in identical and cognate and allied products and, therefore, an injunction must follow against the Impugned Trade Name as well.

30. The Plaintiff has made out a *prima facie* case for grant of an *ex-parte ad-interim* injunction. Balance of convenience is in favour of the Plaintiff and against the Defendants. Irreparable injury would be caused to the Plaintiff if an *ex-parte ad-interim* injunction is not granted.

31. Accordingly, till the next date of hearing, the Defendants, their directors, proprietors, partners, associates, assigns or assignees in interest,

heirs, successors or successors in interest, permitted assigns, sister concerns or group companies, distributors, dealers, wholesalers, retailers, stockiest, agents and all others acting for and on their behalf are restrained from using, soliciting, providing services and advertising in any manner including on the internet and e-commerce platform, directly or indirectly dealing in medicinal, pharmaceutical, consumer healthcare and wellness products under the Impugned Trade Mark, 'PANTOKIND' and the Impugned Trade Name, 'MEDIKIND' and / or any other Trade Mark or Trade Name which is identical and / or deceptively similar to the Plaintiff's Marks, 'PANTAKIND', 'KIND' and 'MANKIND' so as to cause infringement and / or passing off of the Plaintiff's Marks.

32. Let the Reply to the present Application be filed within four weeks after service of Notice. Rejoinder thereto, if any, be filed before the next date of hearing.

33. List before this Court on 21.04.2026.

<u>I.A. 32409/2025(for Appointment of Local Commissioner)</u>

34. The present Application has been filed by the Plaintiff under Order XXVI Rule 9 read with Order XXXIX Rule 7 of the CPC, seeking appointment of a Local Commissioner. The Court has considered the merits of the Plaintiff's case and has granted an *ex-parte ad-interim* injunction as recorded above in I.A. 32408/2025 under Order XXXIX Rule 1 & 2 of the CPC.

35. Accordingly, in order to ensure that the injunction is fully complied with, it is deemed appropriate to appoint a Local Commissioner to visit the Defendants' premises at the following address:

Sr. No.	Particulars	Name of Local Commissioner
1.	**Medikind Pharmaceutical Division India:** 615, Sector 12, Panchkula Haryana - 134112	Ms. Aarzu Khattar, Advocate Mobile No. [+91 9999832429]

36. The mandate of the learned Local Commissioner is as under:

i) The learned Local Commissioner shall visit the premises of the Defendants as per the above table, to inspect and seize any infringing products, either in fully or semi-manufactured condition bearing the Impugned Trade Mark, 'PANTOKIND' and the Impugned Trade Name, 'MEDIKIND' or packaging which is identical or deceptively similar to the Plaintiff's Marks, 'PANTAKIND', 'KIND' and 'MANKIND'

ii) If knowledge is acquired of any other premises than the aforesaid premises, where the infringing products with the Impugned Trade Mark and the Impugned Trade Name could be stored or services can be provided from, the learned Local Commissioner is free to record the same and then visit the other premises and conduct a seizure there as well;

iii) The learned Local Commissioner shall also inspect and seize any product materials including pamphlets, brochures, stickers, packaging materials, dyes or blocks used for preparing the manufacturing materials, display boards, sign boards, advertising material, dies or blocks, unfinished, packed, unpacked infringing product or any other documents, wrapper etc. so that it can be ensured that no fresh manufacturing of the infringing products can take place;

iv) The learned Local Commissioner shall also obtain the details as to since when infringing product are being used by the Defendants under the Impugned Trade Marks and obtain copies of the accounts if the same is found to be sold in market;

v) The learned Local Commissioner shall obtain accounts including ledgers, stock registers, invoice books, receipt books, cash books, purchase and sale records and any other books of record or commercial transactions kept at the premises of the Defendants, and take photocopy and / or record of all such transactions that pertain to infringing product, if any. The Defendants shall cooperate and give passwords to the computers and the files containing the accounts, if the same is stored on the computer or a specific software;

vi) After preparation of the inventory, the infringing products under the Impugned Trade Mark and the Impugned Trade Name including packaging materials, advertising, promotional materials, pamphlets, brochures, boxes, videos, hoardings, banners, signage, cartons and other material bearing the Impugned Trade Mark and the Impugned Trade Name and packaging which are similar to the Plaintiff's Marks shall be released to the Defendants on *superdari*. The monetary value of the stock shall also be ascertained;

vii) The learned Local Commissioner is also permitted to break open the locks, with Police help, if access to the premises where the infringing product have been stocked / manufactured, is denied to the Commissioner;

viii) Upon being requested, the concerned Station House Officer (SHO) shall render necessary cooperation for execution of the Commission, as per this order;

ix) The learned Local Commissioner is permitted to take photographs and record videos of the proceedings of the Commission, if it is deemed appropriate. Two representatives of the Plaintiff, which would include a lawyer, are permitted to accompany the learned Local Commissioner;

x) The learned Local Commissioner, while executing the Commission, shall ensure that there is no disruption to the business of the Defendants, except for the purposes of the execution of the Commission. The Commission shall be executed in a peaceful manner.

37. Either the learned Counsel for the Plaintiff or the learned Local Commissioner is directed to collect the certified copy of this Order from the Registry (Dispatch Branch) before the execution of the Commission.

38. The learned Local Commissioner shall carry the certified copy of this Order for execution of the Commission and a copy of the same shall be served upon the Defendants by the learned Local Commissioner at the time of the execution of the Commission.

39. The fees of the learned Local Commissioner is fixed at ₹2,00,000/-

(Rupees Two Lakhs only) excluding out of pocket expenses, travel, lodging etc. All the aforesaid expenses shall be borne by the Plaintiff and paid in advance to the learned Local Commissioner named hereinabove.

40. The Commission shall be executed within a period of two weeks, and the report of the learned Local Commissioner shall be filed within a period of two weeks thereafter.

41. Compliance of Order XXXIX Rule 3 of CPC shall be done within two weeks after the execution of the Commission.

42. It is directed that this Order shall be uploaded on the Court's website after the execution of the Commission is completed, to enable effective execution thereof.

43. The Application stands disposed of.

44. Order *dasti* under the signature of the Court Master.

TEJAS KARIA, J

DECEMBER 22, 2025/sms