



\$~37

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

+ **CS(COMM) 1413/2025 & I.As. 32618-22/2025**

TORRENT PHARMACEUTICALS LTD.

.....Plaintiff

Through: Mr. Sachin Gupta, Ms. Prashansa Singh, Ms. Mahima Chanchalani, Ms. Diksha Tekriwal and Mr. Rohit Pradhan, Advocates

versus

M/S. ULTRATECH PHARMACEUTICALS & ORS.Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **23.12.2025**

I.A. 32618/2025 (seeking exemption from pre-institution mediation)

1. This is an application filed under Section 12A of the Commercial Courts Act, 2015 read with Section 151 of the Code of Civil Procedure, ('CPC') seeking exemption from instituting pre-litigation mediation.
2. Having regard to the facts that the present suit contemplates urgent interim relief and in light of the judgement of the Supreme Court in **Yamini Manohar v. T.K.D. Keerthi**¹, exemption from the requirement of pre-institution mediation is granted to the plaintiff.
3. Accordingly, the application stands disposed of.

I.A. 32619/2025 (for exemption)

4. This is an application filed under Section 151 of CPC seeking

¹ (2024) 5 SCC 815



exemption from filing certified copies of documents.

5. Subject to the Plaintiff filing certified copies of documents within a period of 30 days from today, exemption is granted for the present, failing which, the plaintiff will not be entitled to rely upon these documents.

6. The application is disposed of.

I.A. 32620/2025 (seeking exemption from advance service)

7. This is an application filed under Section 151 of CPC on behalf of the plaintiff seeking exemption from service to the defendants.

8. In view of the fact that the plaintiff has sought an ex-parte ad-interim injunction along with the appointment of a Local Commissioner, the exemption from effecting advance service upon the defendants is granted.

9. Accordingly, the application stands disposed of.

CS(COMM) 1413/2025

10. Let the plaint be registered as a suit.

11. Summons be issued to defendants by all permissible modes on filing of process fee. Affidavit of service be filed within two (2) weeks.

12. The summons shall indicate that the written statement(s) must be filed within thirty (30) days from the date of receipt of the summons. The defendants shall also file affidavit(s) of admission/denial of the documents filed by the plaintiff, failing which the written statement(s) shall not be taken on record.

13. The plaintiff is at liberty to file replication thereto within thirty (30) days after filing of the written statement(s). The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by defendants, failing which the replication shall not be taken on record.



14. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

15. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

16. List before the learned Joint Registrar (J) on **16.02.2026**.

17. List before Court on **22.05.2026**.

I.A. 32622/2025 (Under Order XXXIX Rule 1 and 2 CPC)

18. This is an application filed under Order XXXIX Rule 1 and 2 CPC.

19. Learned Counsel for the Plaintiff sets up the Plaintiff's case as follows:

19.1. The Plaintiff, namely, Torrent Pharmaceuticals Ltd., is the flagship company of the Torrent Group, which is one of the leading pharmaceutical companies in India.

19.2. The plaintiff is the registered proprietor for its trademark UNIZYME and UNIENZYME, the earliest being for the trade mark UNIENZYME under No. 254185 dated 18.01.1969 in class 5. The details pertaining to the registrations are given at paragraph 7 of the plaint.

19.3. UNIENZYME has been in use since the year 1955 and is sold in the form of tablets and syrup and is used for the treatment of indigestion, bloating & gas, and contains combination of fungal diastase, papain, and activated charcoal, which are digestive enzymes.

19.4. The sales figure for the products sold under the trademark UNIENZYME for the financial year 2024-2025 is Rs 138.3 crores, as mentioned in paragraph 10 of the plaint.



Overview of the Defendants:

19.5. Defendant No. 2, namely Oriel Healthcare P. Ltd, is the marketer whereas Defendant no. 3, namely NB Healthcare P. Ltd. is the manufacturer of the goods under the impugned trade mark, as seen on the packaging.

19.6. The Defendant No.2 has a website - <https://www.orielhealthcare.com> , wherein it is described as a “Division Company” of M/s. Ultratech Pharmaceuticals, which, therefore, has been impleaded as Defendant No. 1.

Overview of the infringement:

19.7. It is the case of the plaintiff that in November 2025, the Plaintiff discovered that the Defendants are manufacturing and selling medicinal products under the impugned mark UNIKZYME, containing the same salt used for the same ailment.

19.8. It is stated that Defendant No. 2 applied for the impugned mark vide application no. 3098717 dated 16.11.2015 under class 5, claiming use since 26.10.2015. The said mark was advertised as journal no. 1913-0 journal on 05/08/2019 and the same was opposed by the Plaintiff on 04.12.2019. It is pertinent to note that the said application stands abandoned due to non-prosecution vide order dated 09.09.2025.

19.9. It is stated that the Defendants are dealing in the goods under the impugned mark by listing the same on third-party platforms and selling it throughout the country, including Delhi, as mentioned in paragraph 15 of the [plaint](#).

19.10. The Defendants are marketing medicinal goods under the impugned mark UNIKZYME, which is phonetically, visually, and structurally deceptively similar to the Plaintiff's mark.



Such conduct constitutes a deliberate and mala fide attempt by the Defendant to capitalise upon the established goodwill of the Plaintiff's trademarks, thereby creating a false and misleading impression of affiliation, association, or endorsement by the Plaintiff, which in fact does not exist.

19.11. Plaintiff has relied upon the injunction order dated 21.10.2024 passed by the coordinate Bench in CS(COMM) 913/2024 restraining the defendant entity therein from using the mark UNIZYME PLUS.

Case Analysis:

20. This Court has heard the learned counsel for the plaintiff and perused the record.

21. The plaintiff is the registered proprietor of the trademark UNIENZYME and UNIZYME and has been using the same since 1955, for the treatment of indigestion, bloating and gas.

22. The defendants' adoption of the impugned mark 'UNIKZYME', being in the same business of pharmaceuticals, selling the medicine with the same pharmaceutical composition as that of the plaintiff, is prima facie not bona fide. The mere insertion of the letter "K" between "UNI" and "ZYME" to arrive at the mark "UNIKZYME" does not serve to sufficiently distinguish the impugned mark from the Plaintiff's well-established marks "UNIENZYME" and "UNIZYME", and is clearly calculated to create deception and confusion.

23. In the considered view of this Court, having regard to the near identity of the rival marks, there exists a strong likelihood that consumers would assume the impugned mark to be an extension or variant of the Plaintiff's established range of products. Such similarity is therefore bound to cause



confusion and deception among the consuming public with respect to the source and/or origin of the impugned products.

24. This Court is satisfied that the Plaintiff has established a strong *prima facie* case in its favour. The balance of convenience also lies in favour of the Plaintiff and against the Defendants. Given that the dispute pertains to pharmaceutical products, the Plaintiff as well as the general public are likely to suffer grave and irreparable harm in the absence of an *ex parte* ad-interim injunction.

25. Accordingly till the next date of hearing the Defendants, their partners, proprietors, or directors, their assignees in business, distributors, dealers, stockists, retailers /chemists, servants and agents are restrained from manufacturing, selling, offering for sale, advertising, directly or indirectly dealing in any medicinal, pharmaceutical or nutraceuticals product under the impugned mark UNIKZYME or any other marks, which may be deceptively similar to the Plaintiff's registered trademarks UNIENZYME and UNIZYME or/and other of its variants thereof, amounting to infringement of registered trademarks of the Plaintiff and passing off.

26. It is further clarified that the defendants can use the mark ENZYME, however, without use the prefix 'UNI'. However, there is no bar to use of the mark ENZYME by the defendants. This clarification is also recorded in the order dated 21.10.2024 passed in CS(COMM) 913/2024 (*supra*).

27. Upon steps being taken, issue notice to the defendants through all modes. Reply to be filed within a period of four (4) weeks from the receipt of notice. Rejoinder thereto, if any, be filed within four (4) weeks thereafter.

28. In view of the fact that the Plaintiffs have sought appointment of a Local Commissioner to seize the infringing product, the very purpose of the



grant of ex-parte ad interim injunction would be defeated if the Defendants are given notices contemplated in Order XXXIX Rule 3 of CPC prior to the execution of the commission. Hence, it is directed that the Plaintiffs shall serve notice under Order XXXIX Rule 3 of CPC at the time of execution of the Local Commission which shall not be later than three (3) weeks from today.

29. List before the learned Joint Registrar (J) on **16.02.2026**.

30. List before Court on **22.05.2026**.

I.A. 32621/2025 (for appointment of Local Commissioner)

31. This is an application filed under Order XXVI Rule 9 read with Order XXXIX Rule 7 CPC read with Section 145 of the Trade Marks Act, 1999 for appointment of a Local Commissioner.

32. In order to ensure that the injunction is fully complied with and to preserve the evidence of infringement, this Court deems it appropriate to appoint one (1) Local Commissioners, the appointment is confined thereto:

S.No	Address	Particulars
1.	Address of Defendant No. 3 N.B. HEALTHCARE P. LTD. Plot No. 966, JLPL, Industrial Park Sector-82 Mohali, Punjab- 160062	Mr. Himanshu Khulbe, Advocate E. No. D/11255/2023 M. No. 7011419179

33. The mandate of the Local Commissioner is as under: -

- The Local Commissioner shall visit the premises of the Defendant as mentioned above, to inspect and seize the infringing products of the Defendants bearing the registered trademark of the Plaintiff.
- The Local Commissioner is permitted to seize the products bearing the impugned mark at the above premises and if knowledge is acquired of any other premises where the products could be stored,



the Local Commissioner is free to record the same and then visit the other premises and conduct a seizure there as well.

- iii. The Local Commissioner shall also inspect and seize any products/materials including pamphlets, brochures, stickers, packaging materials, dyes or blocks used for preparing the manufacturing materials, display boards, sign boards, advertising material, dyes or blocks, unfinished, packed, unpacked products bearing the impugned mark or any other documents, wrapper etc. so that it can be ensured that no fresh manufacturing of the infringing products bearing the impugned mark can take place.
- iv. The Local Commissioner shall also obtain the details as to since when products bearing the impugned mark are being used by the Defendants and obtain copies of the accounts, if the same is found to be sold in market.
- v. The 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 defendant and take a photocopy and/or record of all such transactions that pertain to infringing products, 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 products bearing the impugned mark, in fully manufactured or unfinished condition, including packaging materials, advertising, promotional materials, pamphlets, brochures, boxes, videos, hoardings, brochures, banners, cartons and



other material bearing the impugned mark or the marks, which are similar to the Plaintiff's trademark, shall be released to the Defendants on *Superdari*. The monetary value of the stock shall also be ascertained.

- vii. Upon being requested, the concerned jurisdictional police authorities, the Commissioner of Police/Superintendent of Police and/or the Station House Officer ('SHO'), shall render necessary cooperation for execution of the commissions, as per this order.
- viii. The Local Commissioner is also permitted to break open the locks, with the help of the local police, if access to the premises, is denied to the Commissioners.
- ix. The Local Commissioner is permitted to take photographs and videography of the proceedings of the commission, if it is deemed appropriate. Two (2) representatives of the Plaintiffs, which may include a lawyer, are permitted to accompany the Local Commissioner.
- x. The 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.
- xi. On such further seizure of infringing products, the Defendants or each one of them in respect of whom the seizure has been effected, shall be served with a complete set of Court documents forthwith.

34. The order passed today shall not be uploaded for a period of three (3) weeks to enable the execution of the commissions.

35. The Local Commission shall be executed within three (3) weeks. The



report of the Local Commissioner shall be filed within three (3) weeks thereafter.

36. The fee of the local commissioner is fixed at Rs 2,50,000/-, excluding the out-of-pocket expenses, travel expenses, accommodation, etc., which is to be borne by the plaintiffs.

37. In terms of the foregoing, the present application stands disposed of.

38. Either the learned counsel for the plaintiff or the learned Local Commissioner is directed to collect a certified copy of this order from the Registry (Dispatch Branch) before the execution of the Commission.

39. The 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 Defendant by the learned Local Commissioner at the time of the execution of the Commission.

40. In addition, a copy of the complete paper book shall be served by the Local Commissioners upon the Defendants at the time of execution of commissions.

41. Copy of this order to be given *dasti* under the signatures of the Court Master.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 23, 2025/rhc/AJ