

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMMERCIAL IP SUIT NO. 514 OF 2016

WITH

CHAMBER ORDER (L) NO. 2117 OF 2026

Clenmark Pharmaceuticals Ltd.

...Plaintiff

Versus

Signova Pharma (P) Ltd. And Anr

...Defendants

Mr. Mahesh A. Mahadgut, Kalyani Paunikar, Kaivalya Shetye i/b Mahesh A. Mahadgut for Plaintiff.

Ms. Priya Chawbey i/b Sapana Rachure for Defendant No.1.

CORAM : **ARIF S. DOCTOR, J.**

DATE : **29th JANUARY, 2026**

P.C.

1. Learned counsel for the Defendant No.1 today reports no instructions. She further submits that the Advocate for the Defendant No.1 had filed a Chamber Order seeking discharge on account of the fact that no instructions have been forthcoming. This is the Suit against Defendant No. 2 is already to proceed ex-parte, accordingly today the Court has framed the following issues and issued the following directions for filing of documents and evidence.

- (1) Whether the Plaintiff proves that they are the registered proprietor of the Trade Mark "TELMA"?
- (2) Whether the Plaintiffs prove that they have reputation and goodwill in the mark "TELMA"?

- (3) Whether the Plaintiffs prove that by using the mark “TELZA”, the Defendants are infringed the Plaintiff's Trade Mark "TELMA"?
- (4) Whether the Plaintiff proves that by using the mark “TELZA”, the Defendants are passing off their goods as and for those of the Plaintiff?
- (5) Whether the Plaintiff proves that they are entitled to damages?
- (6) Whether the Defendant proves that the present suit is barred by delay, waiver, acquiescence and estoppel?
- (7) Whether the Defendant proves that they are the prior adopter, prior and extensive user and proprietor of the mark “TELZA”?
- (8) Whether the Defendant proves that the Defendant's mark “TELZA” has become distinctive and well-known amongst the medical practitioners, physicians and people common to trade and public at large?
- (9) What Reliefs?
- (10) What Order?

2. On or before 26th February, 2026 parties shall file their respective affidavits of documents and serve a copy thereof upon the other side, failing which parties will not be permitted to rely on any document, copy whereof is not annexed to

the plaint and/or written statement and mentioned in the list of documents annexed to the plaint and/or written statement. This will not, however, prevent a party from confronting a witness of another party with any document.

3 On or before 6th March, 2026 inspection to be completed. If inspection is not given, such party will not be permitted to rely upon such document. On or before 13th March, 2026 statement of admission and denial with reasons for denial to be exchanged. If the statement of admission and denial is not given, parties shall be deemed to have admitted the existence of all the documents of the other side.

4 On or before 18th March, 2026 Plaintiffs to file their list of witnesses, affidavit in lieu of examination in chief of the first witness together with compilation of documents and serve a copy thereof upon Defendant.

5. Stand over to **26th March, 2026** for marking of documents/ recording of evidence on which date Plaintiffs' first witness shall remain present in Court.

6. A copy of this order shall be intimated to the Defendant No. 1 by the Advocate for Defendant No.1.

[ARIF S. DOCTOR, J.]