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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 1000/2025

MANKIND PHARMA LIMITED

.....Plaintiff

Through: Mr. Hemant Daswani, Ms. S. Bajpai &
Ms. Pranjal, Advocates.

Versus

CARENS PHARMACEUTICALS

.....Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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19.09.2025

I.A. No.23532/2025 (Exemption from pre-institution Mediation)

1. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015.
2. 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.
3. The Application stands disposed of.



I.A. No.23533/2025 (Exemption from advance service to the Defendant)

4. 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 Defendant.

5. Mr. Hemant Daswani, learned Counsel for the Plaintiff, submits that there is a real and imminent likelihood that the Defendant may take immediate steps to dispose of, conceal or suppress its infringing business operations and digital footprints.

6. In view of the fact that 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 Defendant is granted.

7. The Application is disposed of.

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8. Let the Plaint be registered as a Suit.

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

10. The Summons shall state that the Written Statement shall be filed by the Defendant within 30 days from the date of the receipt of Summons. Along with the Written Statement, the Defendant shall also file an Affidavit of Admission / Denial of the documents of the Plaintiff, without which the Written Statement shall not be taken on record.

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



12. 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.

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

14. List before the learned Joint Registrar on 14.11.2025 for completion of service and pleadings.

I.A. No.23530/2025 (U/O XXXIX Rule 1 & 2 of CPC)

15. The prayer clause in this Application does not show the images of the Defendant's label as well as the Plaintiff's label. The learned Counsel for the Plaintiff has handed over **Document-A** along with Affidavit dated 19.09.2025 containing the revised prayer clause which is taken on record. The revised prayer clause filed by way of Document-A by the learned Counsel for the Plaintiff be placed after Page 17 as Page 17A of this Application.

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

17. The present Suit has been filed by the Plaintiff seeking permanent injunction restraining infringement of the registered Trade Mark, Copyright and other ancillary reliefs.

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

18.1 The Plaintiff is a company duly incorporated in the year 1991 and is a leading marketer of a wide range of pharmaceutical and medicinal preparations in India under its various well-known Trade Marks. It has been a constant endeavour of the Plaintiff to provide good quality medicines at an affordable cost.

18.2 Plaintiff has grown into a successful and profitable enterprise and



enjoys an exemplary reputation and goodwill for its products. In the year 2024, Plaintiff's group of companies had achieved a consolidated audited turnover of over INR 9,264 crores.

18.3 In the year 2009, the Plaintiff adopted the Trade Mark 'CALCIMUST' with respect to veterinary preparations. The prefix 'CALCI' of the Plaintiff's Mark 'CALCIMUST' has been adopted from the word 'Calcium', which was suffixed with the word 'MUST' in order to convey the message to the consumers that the products are essential for the development of the animal. The Plaintiff's goods under the Mark 'CALCIMUST' are renowned in the market and resultantly, the Plaintiff's goods under the said Mark generate a turnover of around INR 123.30 crores.

18.4 In order to fortify its rights, the Plaintiff applied for and obtained the registration of the Trade Mark 'MANKIND's CALCIMUST' with respect to pharmaceutical and medicinal preparations under Registration No. 2307162 and 'CALCIMUST' under Registration No. 2491898.

18.5 The Plaintiff also sells its goods under the Mark 'CALCIMUST GEL', and the artwork / getup / label (**'Plaintiff's Label'**) on the said goods was designed by the Plaintiff's employee with respect to goods sold under the said Mark, and the same qualifies as an artistic work under the Copyright Act, 1957. Across the front portion of the Plaintiff's Label, there is a white silhouette-style illustration featuring multiple animals — typically a cow, buffalo, goat, horse, and dog — representing its broad use in livestock and pets. A picture of the Plaintiff's product under the Mark 'CALCIMUST', bearing the Plaintiff's Label is attached below:



18.6 On 08.08.2025, the Plaintiff received information from one of its employees, who had found an infringing product sold by the Defendant under a deceptively similar Mark 'CALDIMUST' (**'Impugned Mark'**) with an identical / deceptively similar artwork / getup / label (**'Impugned Label'**) as that of the Plaintiff. A picture of the infringing goods sold by the Defendant under the Impugned Mark, bearing the Impugned Label, is attached below:





18.7 In addition to adopting a deceptively similar mark as that of the Plaintiff, the Defendant has adopted the Impugned Label which is also deceptively similar / virtually identical to that of the Plaintiff as they both feature a predominantly brown background with white bold lettering for the brand name at the top, accompanied by the term “Gel” in a contrasting yellow script, and descriptive text below, with the lower portion prominently depicting white-outline illustrations of cattle heads, positioned in a similar style, conveying identical visual cues to the target market.

18.8 The Defendant has flooded the market with the infringing goods under the Impugned Mark and Label so as to ride upon the goodwill of the Plaintiff and cash upon it by creating a sense of confusion in the minds of the general public.

19. Having considered the pleadings, documents and submissions, *prima facie*, this is a case of triple identity, where the Impugned Mark / Label is identical, the product category is identical and the trade channel as also the consumer base is identical to the Plaintiff’s Mark / Label, as the overall layout, colour scheme, and animal imagery combine to create a visual resemblance that is likely to cause confusion amongst the members of the public and trade, who may associate the Defendant’s products bearing the Impugned Mark and Label with the Plaintiff, consequently, diluting the goodwill and reputation of the Plaintiff’s products.

20. Accordingly, till the next date of hearing, the Defendant, its directors, assignees in business, its associates, affiliates, franchisees, licensees, distributors, dealers, stockists, retailers, agents, and all others acting for or on its behalf, are restrained from manufacturing, selling, offering for sale,



advertising, directly or indirectly dealing in veterinary and pharmaceutical preparations under the Impugned Mark 'CALDIMUST' and / or Impugned



Label ' or any other Trade Mark / Label that may be identical / deceptively similar to the Plaintiff's Trade Mark 'CALCIMUST' and / or



Label ' , amounting to infringement of the Plaintiff's Trade Mark and / or Copyright.

21. 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.

22. List before this Court on 20.01.2026.

I.A. No.23531/2025 (for Appointment of Local Commissioner)

23. The present Application has been filed by the Plaintiff under Order XXVI Rule 9 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. 23530/2025 under Order XXXIX Rule 1 & 2 of the CPC.

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



Sr. No.	Particulars	Name of Local Commissioner
1.	Carens Pharmaceuticals at 15, 3 rd floor, 4 th Main, Near More Super Market, Malleshpalya, GM Palya Main Road, Bengaluru-560075	Mr. Thejesh R, Advocate Contact No. - +91 7795351153

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

i) The learned Local Commissioner shall visit the premises of the Defendant as per the above table, to inspect and seize any impugned products, fully or semi-manufactured infringing products of the Defendant bearing the ImpugnedMark / Label 'CALDIMUST' /



or packaging which is identical or deceptively similar to the



Plaintiff's Subject Trade Mark / Label 'CALCIMUST' /

ii) If knowledge is acquired of any other premises than the aforesaid premises, where the goods under the Impugned Trade Mark / Label 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 goods 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 goods or products are being used by the Defendant under the Impugned Trade Mark / Label 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 Defendant, and take photocopy and / or record of all such transactions that pertain to infringing goods, if any. The Defendant 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 goods under the Impugned Trade Mark / Label including packaging materials, advertising, promotional materials, pamphlets, brochures, boxes, videos, hoardings, banners, signage, cartons and other material bearing the Impugned Trade Mark / Label and packaging which are similar to



the Plaintiff's Trade Mark / Label shall be released to the Defendant 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 goods 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 Defendant, except for the purposes of the execution of the Commission. The Commission shall be executed in a peaceful manner.

26. A copy of this Order be provided to the learned Local Commissioner and the same will be served upon the Defendant by the learned Local Commissioner at the time of execution of the Commission.

27. 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.



28. The Commission shall be executed on 29.09.2025, and the report of the learned Local Commissioner shall be filed within a period of two weeks thereafter.
29. Compliance of Order XXXIX Rule 3 of CPC shall be done within two weeks after the execution of the Commission.
30. 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.
31. List before this Court on 20.01.2026.
32. Order *dasti* under the signature of the Court Master.

TEJAS KARIA, J

SEPTEMBER 19, 2025
'gsr'