

Mankind Pharma Limited vs Nectar Biopharma Private Limited & Anr on 15 September, 2025

Author: Manmeet Pritam Singh Arora

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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(COMM) 732/2025
MANKIND PHARMA LIMITED

Through:

versus

NECTAR BIOPHARMA PRIVATE LIMITED
& ANR.

.....Defendants

Through: Ms. Meenakshi Ogra, Mr. Tarun
Khurana, Mr. Samrat S. Kang, M
Ritvik Jha, Mr. Vishnu Gambhir
Chhavi Pande, Advs. for D-1

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA
ORDER

% 15.09.2025 I.A. 22865/2025 (application on behalf of defendant no. 1 under Order XXXIX Rule 4 read with Section 151 of Code of Civil Procedure, 1908 for vacation of the ex-parte ad-interim injunction dated 24.07.2025)

1. This is an application filed by defendant no. 1 under Order XXXIX Rule 4 Code of Civil Procedure, 1908 ('CPC').

2. Learned counsel for the applicant/defendant no. 1 seeks an accommodation.

3. Learned senior counsel for the plaintiff who appears on advance service states that he would like to clarify that the plaintiff is only seeking a restraint against the defendant from using the impugned trade-dress and the plaintiff is not contesting the defendant's right to use its mark 'Mistake-72'.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 17/09/2025 at 22:22:47 And therefore, he prays that restraint 'the impugned mark "MISTAKE-72"

and' in paragraph 29 of the order dated 24.07.2025 be deleted and the order dated 24.07.2025 be modified to that effect.

4. Learned counsel for the defendant states that in view of the aforesaid modification, he requests that the matter may be taken up on the date already fixed. He states that this was one of the pleas in this application.

5. In view of the aforesaid submissions of the plaintiff, paragraph 29 of the order dated 24.07.2025 is amended to read as under:

"29. Accordingly, the Plaintiff has made out a prima facie case for grant of an ad-interim ex-parte injunction. The Defendants and their proprietors, partners or directors, and all others acting for and on behalf of the Defendants, shall stand restrained from selling, offering for sale, advertising, retailing, distributing, directly or indirectly dealing in any products under the impugned trade-dress and/or any other trademark or trade-

dress which is identical or deceptively similar to the Plaintiff's trademark/trade-dress "UNWANTED-72"

or any other trademark or trade-dress which is identical or deceptively similar to the Plaintiff's mark."

6. The words 'the impugned mark "MISTAKE-72" and' are deleted. The order dated 24.07.2025 will be read along with this order.

7. Issue notice. Learned counsel for the plaintiff accepts notice.

8. The plaintiff is directed to file its reply within four (4) weeks.

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9. List before the learned Joint Registrar (J) on 13.11.2025, the date already fixed.

10. List before Court on 04.12.2025, the date already fixed.

MANMEET PRITAM SINGH ARORA, J SEPTEMBER 15, 2025/msh This is a digitally signed order.

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