



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

INTERIM APPLICATION (L) NO. 41547 OF 2025
IN
COMMERCIAL IP SUIT (L) NO. 41524 OF 2025

Saifee Hospital Trust ...Applicant/Plaintiff

Versus

Saifi Hospital Private Limited and
Others ...Respondents/Defendants

*Mr. Hiren Kamod, Ms. Fatema Kachwalla, Ms. Jyoti Malde, Mr. Dishay
Chitalia i/b J Sagar Associates for Plaintiff.*

CORAM : SHARMILA U. DESHMUKH, J.

DATE : FEBRUARY 10, 2026

P. C. :

1. This is a suit for infringement of trade mark and for passing-off.
2. Mr. Kamod, learned counsel appearing for Plaintiff tenders the Affidavit of service evidencing service upon Defendants of the present proceedings. Though served, none appears on behalf of the Defendants. Mr. Kamod would not press for relief of passing-off at this stage and would confine his relief only in respect of infringement of trade mark.
3. The Plaintiff is public charitable trust registered under the

Maharashtra Public Trusts Act, 1950 and operates well-known multi-speciality tertiary care hospital known as "SAIFEE HOSPITAL" at Maharishi Karve Marg, Mumbai. The Plaintiff is registered proprietor of the word mark "SAIFEE HOSPITAL" in class 44 and device mark in class 42. In the present case, the infringement is claimed of the word mark "SAIFEE HOSPITAL".

4. Mr. Kamod has taken this Court through the registration which has been obtained of the word mark "SAIFEE HOSPITAL" in class 44. He submits that the registration has been secured in the year 2022 with the user claim of the year 2005. He submits that the Saifee Hospital Trust traces its origin in or around 1948 when a hospital was first established under the guidance of then spiritual head of the Dawoodi Bohra community. He submits that subsequently, the hospital building was redeveloped under the name Saifee Hospital which was formally inaugurated on 4th June, 2005 and since then has grown into leading tertiary care multi-speciality hospital in Mumbai earning strong reputation for excellence in healthcare services. He submits that over the last several years, the hospital's annual out-patient and in-patient footfall has consistently been in excess of 1,08,000 and 17000-18,000 respectively. He submits that the patients of Saifee Hospital are not limited only to Mumbai but also to other parts of the country as well. He would submit that the Plaintiff has been bestowed with several

awards, recognition and accolades. He submits that since inauguration of re-developed hospital, the mark "SAIFEE HOSPITAL" has been used continuously and extensively by the Plaintiff and has been prominently displayed on the hospital's building, signage, direction board, the Hospital signage as well as brother's advertisement, etc. He submits that by reason of extensive and uninterrupted use of the mark "Saifee Hospital", the Defendants are deemed to be aware of the Plaintiff's existence. He would further submit that the Plaintiff has strong digital presence on social media as well as its own official website.

5. He submits that the Plaintiff became aware of the Defendant's activity in or around November, 2025 when one of the trustees of the Plaintiff was congratulated on the commencement of the new branch in New Delhi. Pursuant to online search conducted for Saifee Hospital, Delhi, a website containing the domain name 'saifihospitals.com' was discovered. An online search also revealed an Instagram page of opening of Saifi Hospital in New Delhi. He would submit that upon an inquiry, the Plaintiff learnt that Defendant No. 1 operates a hospital under the trade name "Saifi Hospital" and is using a logo and brand name prominently featuring the word Saifi Hospital. He submits that the Defendants also maintain a website www.saifihospitals.com displaying the impugned mark and offering the similar healthcare services. He would further submit that there is an instagram profile of

'saifihospitalofficial' which damages the Plaintiff's reputation by misrepresenting that it is the Defendant's hospital which is the original "Saifee Hospital". He would further submit that further investigation revealed that the Defendant-company has been incorporated in the year 2024 and the MCA website shows the registration on 2nd July, 2024 with its Directors bearing the name Faiz Saifi and Rizwan Saifi. He would further submit that even though Defendant's director's surname is Saifi, considering the decision of this Court in the case of ***Kirloskar Diesel Recon Pvt. Ltd. vs. Kirloskar Proprietary Limited***¹ which was followed in ***Dr. Reddy's Laboratories Limited vs. Reddy Pharmaceuticals Limited***², the defense of Section 35 is not available to the Defendant as the Defendant is using the Director's surname as part of corporate name. He submits that cease-and-desist notice was issued to the Defendant on 13th December, 2025 to which there is no response. He would further submit that misrepresentation is evident from the fact that the Defendant's website makes a claim on having treated over 1000 patients over the years whereas the Defendant has been established in the year 2024 and could not make such claim except with the intent to establish an association with the Plaintiff.

6. Mr. Kamod would further submit that the search was conducted in the Trade Marks Registry in order to verify whether the Defendant

1 1995 SCC OnLine Bom 312.

2 (2005) 128 Comp Cas 42.

has secured any registration but no details were found of the Defendant's having registered the mark or even applied for registration

7. I have considered the submissions and perused the record.

8. The Plaintiff's registered wordmark is "SAIFEE HOSPITAL" whereas the Defendant's services are offered under the mark "SAIFI HOSPITAL". It is only in the official website that the Defendant is using the word "Saifihospitals". Insofar as deceptive similarity is concerned, *prima facie* there cannot be any debate that the Defendant's mark "SAIFI HOSPITAL" is visually, structurally and phonetically deceptively similar to the Plaintiff's "SAIFEE HOSPITAL" mark. *Prima facie* perusal of the registration certificate of the Plaintiff does not reveal any disclaimers imposed on the registration or the registration being subject to any condition. *Prima facie* the Plaintiff being the registered proprietor of the word mark "SAIFEE HOSPITAL" is entitled to exclusive use of the word "SAIFEE HOSPITAL". The Defendant is offering similar medical services as that of the Plaintiff and the extract of the MCA website which is placed on record *prima facie* shows that the Defendant has secured registration in the year 2024. The Plaintiff's presence in the field of healthcare facility is *prima facie* demonstrated from the year 2005 when its hospital at Mumbai was formally inaugurated. Being part of the same healthcare sector, the Defendant

is deemed to be *prima facie* aware of the existence of the Plaintiff. Despite thereof, the Defendant is offering similar medical services under the impugned mark "SAIFI HOSPITAL". Insofar as the directors of the Defendant bearing the surname "Saifi" is concerned, Mr. Kamod is right in placing the reliance in the decision of ***Kirloskar Diesel Recon Pvt. Ltd. vs. Kirloskar Proprietary Ltd.*** (supra) in which it was specifically held that the defense available under Section 35 of the present Act and Section 34 of the previous repealed Act does not apply to artificial person like incorporated company and that company can be prevented from using a particular name even though it does not cause anything more than confusion. The said decision has been followed in the case of ***Dr. Reddy's Laboratories Limited vs. Reddy Pharmaceuticals Limited*** (supra). The Defendant is using the word mark as part of its corporate name and *prima facie* defense of Section 35 of Trade Marks Act, 1999 would not be available to the Defendants. The manner in which the Defendant is describing itself on its official website *prima facie* makes it evident that they are attempting to establish an association with the Plaintiff by mentioning its experience being over the years whereas the extract of MCA website shows the incorporation of the year 2024.

9. In light of above, *prima facie* case has been made out for grant of ad-interim relief in terms of prayer clause (a), except bracketed

portions :

“(a) Pending hearing and final disposal of the Suit, a Temporary Order and injunction restraining the Defendants, whether by themselves, through their servants, agents (including franchisees, dealers, distributors, affiliates & associates) and any other parties claiming through or under them from infringing in any manner from infringing in any manner the Applicant’s registered trade marks “SAIFEE HOSPITAL” [and the Saiffee Device Mark]”

- 10.** Stand over to **16th March, 2026.**
- 11.** Ad-interim relief granted to continue till next date.

[SHARMILA U. DESHMUKH, J.]