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

+ **CS(COMM) 337/2026**

HIMALAYA WELLNESS COMPANY & ORS.Plaintiffs

Through: Ms. Prachi Agarwal and Mr. Manan Mondal, Advocates.

versus

MR. ASHRAFUL ISLAMDefendant

Through:

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER

% **30.03.2026**

I.A. 8550/2026(Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

I.A. 8548/2026(for pre-institution mediation)

3. This application is filed on behalf of the Plaintiffs under Section 12-A of the Commercial Courts Act, 2015 read with Section 151 CPC seeking exemption from Pre-Institution Mediation.
4. Having regard to the facts of the present case wherein urgent relief is prayed for and in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Keerthi, (2024) 5 SCC 815*, as also Division Bench of this Court in *Chandra Kishore Chaurasia v. RA Perfumery Works Private Ltd., 2022 SCC OnLine Del 3529*, exemption is granted to the Plaintiffs from Pre-Institution Mediation.
5. Application is allowed and disposed of.

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I.A. 8549/2026 (u/O XI Rule 1 (4) Commercial Courts Act, 2015 r/w Section 151 CPC)

6. This application is filed on behalf of the Plaintiffs seeking leave to place on record additional documents within 30 days.

7. Plaintiffs, if they wish to file additional documents at a later stage, shall do so strictly in accordance with provisions of the Commercial Courts Act, 2015.

8. Application is disposed of.

I.A. 8551/2026 (u/S 151 CPC)

9. This application is filed on behalf of Plaintiffs for filing audio recording as mentioned in paragraph 2 of the application in a compact disk/pen drive.

10. For the reasons stated in the application, same is allowed permitting the Plaintiffs to file audio recording as mentioned in Paragraph 2 in a compact disk/pen drive.

11. Application is allowed and disposed of.

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12. Let plaint be registered as a suit.

13. Upon filing of process fee, issue summons to the Defendant through all permissible modes, returnable before the learned Joint Registrar on 28.04.2026.

14. Summons shall state that the written statement shall be filed by the Defendant within 30 days from the receipt of summons along with affidavit of admission/denial of the documents filed by the Plaintiffs.

15. It will be open to the Plaintiffs to file replication within 30 days from the date of receipt of written statement along with affidavit of admission/denial of documents filed by the Defendant.



16. If any of the parties wish to seek inspection of any documents, the same be sought and given the timeline prescribed in Delhi High Court (Original Side) Rules, 2018.

17. Learned Joint Registrar will carry out admission/denial of documents and marking of exhibits.

I.A. 8547/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

18. This application is filed on behalf of the Plaintiffs seeking *ex parte* ad interim injunction against the Defendant.

19. Issue notice to the Defendant through all permissible modes, returnable before Court on 08.07.2026.

20. Case of the Plaintiffs as set out in the plaint is that Plaintiff No.1 is a registered partnership firm and Plaintiff No. 2 and Plaintiff No. 3 are the two partners. Plaintiffs are engaged in manufacture and distribution of ayurvedic medicaments and preparations since 1930 i.e., almost 100 years. Plaintiffs are a wholly research oriented organization driven with a constant endeavour to produce safe, efficacious and consistent remedies using ayurvedic principles. Over the years, through their continuous and rigorous research, Plaintiffs have successfully developed several pharmaceutical grade herbal health care products and have brought these traditional Indian herbal medicinal products within the reach of consumers not only in India but also internationally, at highly affordable prices. Operating under the umbrella brand Himalaya, Plaintiffs offer a diverse range of products under various categories such as personal care, pharmaceutical, nutrition, wellness, animal health, baby care and Himalaya for Moms.

21. It is stated that with close to nine decades of research experience in herbal medicine, Plaintiffs entered the personal care segment in 1999, under the brand name 'Ayurvedic Concepts' and a year later Plaintiffs further



expanded their portfolio to include animal health products with the objective of caring for the health and well-being of animals. With the expanding range of products and growth in international markets, in 2001, Plaintiffs underwent a rebranding where the entire range was unified under a single umbrella-HIMALAYA. Plaintiff No. 1 was the first ayurvedic facility to get Good Manufacturing Practices (GMP) certification in India as early as in 2001 by the Licensing Authority, Directorate of Indian Systems of Medicine, Bengaluru and was followed by an ISO 9001:2000 certification for design, manufacture and marketing of herbal health care products which in 2003 included products like triphala, tagara, neem, ashwagandha, arjuna, amla etc. Plaintiff No. 1 has also been successful in obtaining GMP certificate issued by the World Health Organization (WHO) on 12.02.2010. Currently, Plaintiffs sell their products in about 100 countries.

22. It is stated that in 2009, Plaintiffs also launched their herbal supplement in US i.e. Amla, Ashwagandha etc. and became the first USFDA certified organic line of Indian herbs to ever be sold in America. All products of Plaintiffs are derived through extensive research and are produced in state-of-the-art facilities and represent their commitment to continuous investment in the best people, practices and technology. In December 2022, to further reinforce the international perspective of Himalaya's core DNA of being research driven organization, the company established Himalaya Global Research Centre (HGRC) at Dubai Biotechnology Park and in 2023, Plaintiffs signed up with Dubai Industrial City to set up their first manufacturing plant in the UAE.

23. It is stated that Plaintiffs' products synthesize thousands of years of herbal wisdom and modern science with mission to develop safe and efficacious products to bring wellness in every home and happiness in every



heart, taking the system of traditional health care mainstream. Plaintiffs have dedicated websites <https://himalayawellness.in> and <https://himalayaglobalholdings.com>, where they promote and sell their products. Photographs of some of the Plaintiffs' products are as follows:-



24. It is stated that Plaintiffs' products under 'HIMALAYA' trademarks/logos are available over-the-counter at various neighbourhood drugstores/chemists, general stores, modern trade centres etc. Plaintiffs also retail the same under HIMALAYA exclusive stores across India and these stores are presently 670 in number spread over 108 cities. Plaintiffs have expanded their reach across mediums and their products are available for sale online on their interactive website www.himalayawellness.in which provides a convenient, user friendly online portal to consumers for purchasing Plaintiffs' products online and other e-pharmacies and ecommerce websites including www.1mg.com, www.apollopharmacy.in, www.pharomeasy.in, www.amazon.in and www.flipkart.com. Plaintiffs' products are also sold on delivery applications like Zepto, Instamart etc. Plaintiff No. 2 has a separate website <http://himalayaglobalholdings.com/>, which elaborates upon the history of the organization, origin of Ayurveda





etc. Plaintiffs have several international domain registrations providing an online platform to the consumers for purchasing high quality products of the Plaintiffs, including but not limited the products sold under the 'HIMALAYA' trademarks/logos and the 'Himalaya Organics' range.

25. It is stated that Plaintiffs are prior adopters, users and registered proprietors of the mark 'HIMALAYA' as well as its associate and formative marks and logos and have been using the same extensively and continuously. Plaintiffs have around 150 registrations of 'HIMALAYA' and its associate and formative marks and logos across multiple classes in India. The registrations have been renewed from time to time and are valid and subsisting. Additionally, Plaintiffs also have various other trademarks/logos which are registered in India and worldwide. Details of the registration in India are as follows:-

S.No.	Trade Mark	Reg. No.	User Date	Date of Application	Class and goods description
1.	HIMALAYA DRUGS	973355	01/01/1930	27/11/2000	Class 5: medicinal and pharmaceutical preparations including veterinary.
2.	HIMALAYA	1004753	1930	20/04/2001	class 5: medicinal, pharmaceutical and ayurvedic preparations including veterinary included in class 5.
3.	THE HIMALAYA DRUG CO	1940878	1975	24/03/2010	Class 3: perfumery cosmetics and hair lotions
4.	THE HIMALAYA DRUG COMPANY	1940877	01/01/1975	24/03/2010	Class 1: chemical products for use in industry, chemical substances for preserving food stuffs, artificial sweetening substances, chemical additives, included in class 1 for food and diagnostic chemicals.
5.	HIMALAYA PURE HERBS HIMALAYA PURE HERBS	1039026	01/01/1930	23/08/2001	class 5: medicinal and pharmaceutical preparations including veterinary
6.		1041629	Proposed to be used	03/09/2001	class 3: soaps, perfumery, essential oils, hair oils, shampoo, herbal cosmetics



					(non - medicated), cosmetics, hair lotions, dentifrices included in class 3
7.		1041624	Proposed to be used	03/09/2001	class 5: medicinal and pharmaceutical preparations including veterinary included in class 05.
8.		3319631	23/06/2016	26/07/2016	[CLASS: 5] Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; materials for stopping teeth, dental wax; disinfectants; preparation for destroying vermin; fungicides, herbicides

26. It is stated that artwork involved in the various stylistic representations of Plaintiffs' trademarks and the 'HIMALAYA' logos constitutes original artistic work within the meaning of Section 2(c) of the Copyright Act, 1957 ('1957 Act') and Plaintiffs are the first owners of the copyright in each of the said artwork/label/logo by virtue of Section 17 of 1957 Act. Plaintiffs' products use the mark HIMALAYA, the HIMALAYA



logo incorporating the leaf on the 'H' including along with the trade dress/packaging which often employs a green and orange colour combination, capturing the elements of the core ideology and synergy of Plaintiffs' business. The green colour represents passion to explore the world of herbs while orange colour is evocative of their warmth, happiness and wellness. The leaf that forms the crossbar of the letter 'H' is representative of Plaintiffs's strong belief in discovering herbal solutions for health issues. The goodwill and reputation earned by the Plaintiffs through



sale of products under the HIMALAYA brand is reflected from the sales turnover from 1997-1998 to 2025-2026 as follows:-

Financial Year	Gross Sales Turnover for products under the 'HIMALAYA' trademarks/logos (INR in Crores)
1997-1998	124.99
1998-1999	151.77
1999-2000	174.53
2000-2001	217.71
2001-2002	230.05
2002-2003	285.71
2003-2004	317.74
2004-2005	307.02
2005-2006	293.05
2006-2007	347.34
2007-2008	416.57
2008-2009	530.68
2009-2010	642.57
2010- 2011	759.52
2011-2012	886.81
2012- 2013	1083.50
2013-2014	1334.36
2014-2015	1664.77
2015-2016	2034.67
2016-2017	2413.20
2017-2018	2,462.18
2018-2019	2,843.99
2019-2020	3,246.31
2020-2021	3,567.43
2021-2022	3,763.19
2022-2023	4,086.51
2023-2024	4,086.51
2024-2025	4,997.53
2025-2026	5,092.28 (Forecasted and unaudited for the year 2025-26)


27. It is stated that Plaintiff No. 1 has invested huge sums of money and effort in promoting the goods under the trademark 'HIMALAYA' and its formative marks, which is also indicative of its exponential growth and reputation. Details of expenditure incurred are as follows:-





Financial Year	Total expenses incurred on advertisement and promotion for products under the HIMALAYA trademarks/logos (INR in Crores)
1997-1998	8.90
1998-1999	16.57
1999-2000	13.43
2000-2001	20.67
2001-2002	26.88
2002-2003	44.15
2003-2004	36.93
2004-2005	46.10
2005-2006	39.89
2006-2007	45.18
2007-2008	39.84
2008-2009	57.05
2009-2010	63.29
2010- 2011	105.99
2011-2012	89.10
2012- 2013	101.70
2013-2014	133.74
2014-2015	193.32
2015-2016	226.51
2016-2017	267.88
2017-2018	273.38
2018-2019	314.47
2019-2020	397.02
2020-2021	301.71
2021-2022	324.99
2022-2023	364.75
2023-2024	373.15
2024-2025	526.17
2025-2026	724.04 (Forecasted and unaudited for the year 2025-26)

28. It is stated that in the fourth week of January, 2026, in the course of a routine search of the Register of Trade Marks, Plaintiffs came across Defendant's trade mark application recently filed for registration of device mark 'Himalaya The Nutra Healthcare' in respect of pharmaceutical products, as follows:-



S. No	Trademark details	Application No.	Class	Appl. Date	User details	Good / Services
Status: Formalities Chk Pass						
1.	HIMALAYA 'THE NUTRA- HEALTHCARE' 	7027930	5	26/05/ 2025	Proposed to be used	Pharmaceutical s in Class 5

29. It is stated that the impugned mark is identical to Plaintiffs' registered trademarks HIMALAYA/ , and their formative marks. Defendant has also adopted an identical font style, green colour scheme alongwith an orange leaf device  forming part of the hologram 'H', thereby creating a nearly identical device mark. Plaintiffs also came across website of Himalaya Nutra Wellness <https://himalayanutrawellness.com/>, which uses a domain name that subsumes the words 'Himalaya' and 'Wellness' in entirety and is deceptively similar to Plaintiffs' domain name, i.e., <https://himalayawellness.in/>, save and except, for the addition of the word 'NUTRA'. The adoption is clearly dishonest and with a view to ride upon the reputation and goodwill of the Plaintiffs. Furthermore, on the homepage of the said website, Defendant states that 'HIMALAYA NUTRA HEALTHCARE IS A DIVISION OF HIMALAYA WELLNESS COMPANY; THIS DIVISION PROVIDES NUTRACEUTICAL PRODUCTS', which is calculated to misrepresent to the general public that Defendant's products have an association with the Plaintiffs. Screenshot of Defendant's website is as follows:-



30. Learned counsel for the Plaintiffs submits that Defendant is not only carrying on the business of Ayurvedic and wellness products which are identical to those of the Plaintiffs under the mark HIMALAYA THE NUTRA HEALTH CARE, but has also deliberately chosen to adopt and use




the impugned identical mark in relation to identical category of goods. Being registered proprietors of the trademark HIMALAYA and other formative marks, Plaintiffs have a right to their exclusive use as also to restrain their infringement. By virtue of long, extensive and continuous user of HIMALAYA trademarks, Plaintiffs have acquired formidable goodwill and reputation and can legally assert to protect their common law rights and restrain third parties from passing off their goods. It is urged that by using deceptively similar trademarks and domain name for identical/similar goods, Defendant is not only infringing Plaintiffs' registered HIMALAYA trademarks but also misrepresenting to the public that its goods have an association with the Plaintiffs thereby, passing off its goods and causing irreparable harm to the reputation and goodwill of the




Plaintiffs. Illustratively, it is pointed out that Defendant is offering for sale a liver suspension product under the impugned mark, packaged in a trade dress that is deceptively similar to well known packaging of Plaintiffs' HIMALAYA LIV.52 syrup. The overall colour combination, layout and visual presentation adopted by the Defendant closely imitates the distinctive trade dress of Plaintiffs' LIV.52 product, thereby creating a clear likelihood of confusion and deception among consumers and the trade, who are likely to believe that Defendant's product originates from and/or are associated with and/or are endorsed by the Plaintiffs. Comparison of LIV.52 product of the Plaintiffs with Defendant's product is as follows:-





S. NO	ELEMENTS OF DECEPTIVE SIMILARITY
1.	Usage of the identical device mark “HIMALAYA” in a similar green font style on a white background in relation to identical and/or similar products sold through the same trade channels as those of the Plaintiffs
2.	Identical adoption of the green and orange colour scheme in the trade dress/packaging of the Defendant’s products, including the use of orange strips along the outer edges of the packaging
3.	Identical use of the product descriptor “Promotes the liver against various hepatotoxins. Promotes appetite and growth” for identical products, namely a suspension syrup for liver ailments.
4.	Identical use of the letter “H” with the leaf device in a silver hologram at the back of the product packaging of both products, where the product description is provided. 

31. Having heard learned counsel for the Plaintiffs and upon perusal of the documents, I am of the view that Plaintiffs have made out a *prima facie* case for grant of *ex parte* ad interim injunction against the Defendant. Balance of convenience lies in favour of the Plaintiffs and they are likely to suffer irreparable harm in case the interim injunction, as prayed for, is not granted.

32. Plaintiffs are registered proprietors of the trademark HIMALAYA and its formative marks. Defendant has adopted and is using the impugned marks  /HIMALAYA THE NUTRA HEALTH CARE, which are deceptively similar and since the rival goods are identical and trade



channels and consumer base are common, confusion among members of public and potential customers is highly likely. *Prima facie*, Defendant is infringing the registered trademarks of the Plaintiffs. Plaintiffs have garnered formidable reputation and goodwill by extensive and continuous use of HIMALAYA trademarks and associated trade dress. It is *prima facie* evident that Defendant has adopted deceptively similar marks and trade dress with a view to encash the reputation of the Plaintiffs and misrepresent to the public that its products emanate from the Plaintiffs or have some association with them. This amounts to passing off as the action of the Defendant is causing irreparable harm and injury to the goodwill and reputation of the Plaintiffs.

33. Accordingly, till the next date of hearing, Defendant, its partners, proprietors, affiliates, franchisees, officers, distributors, servants, agents, assigns, representatives, and anyone acting for and on their behalf directly or indirectly, as the case may be, are restrained from:-

a) manufacturing, selling, offering for sale, advertising, directly or indirectly, dealing in any manner with products/services using



the impugned marks /HIMALAYA THE NUTRA HEALTH CARE as also the domain name <https://himalayanutrwellness.com> and/or any other mark identical or deceptively similar to Plaintiffs' registered HIMALAYA trademarks/logos including all the associated and formative marks/logos, amounting to infringement of trademarks;

b) manufacturing, selling, offering for sale, advertising, directly or indirectly dealing in any manner with regard to their products using



the impugned marks /HIMALAYA THE NUTRA HEALTH CARE and/or domain name <https://himalayanutrawellness.com> as also trade dress which has artistic writing style, layout, get up and colour scheme with its essential features amounting to infringement of copyright and/or passing off;

34. Plaintiffs shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from today.

JYOTI SINGH, J

MARCH 30, 2026

S.Sharma