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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(COMM) 365/2026**

**JVCO 2024 LIMITED** .....Plaintiff  
Through: Mr. Mamta Jha, Mr. Anubhav Chhabra,  
Ms. Sejal Tayal and Ms. Rita, Ms. Ritu  
Khandelwal, Advocates.

versus

**SYED JALALUDDIN ALIAS AFZAL TRADING AS A.M  
AGENCIES & ORS.** ....Defendants  
Through:

**CORAM:**  
**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**  
**07.04.2026**

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**I.A. 9319/2026 (Additional Documents)**

1. The present application has been filed on behalf of the plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 ('CPC') as applicable to commercial suits under the Commercial Courts Act, 2015 ('CC Act') seeking leave to place on record additional documents.
2. The plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.
3. Accordingly, the application stands disposed of.

**I.A. 9320/2026 (Pre-Institution Mediation)**

4. This is an application filed by the plaintiff seeking exemption from instituting pre-litigation mediation under Section 12A of the CC Act.
5. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi: (2024) 5 SCC 815*, exemption from the requirement of pre-institution



mediation is granted.

6. The application stands disposed of.

**I.A. 9321/2026 (Exemption)**

7. This is an application filed on behalf of the plaintiff under Section 151 of CPC seeking exemption from filing the clear copies of uncertified/dim/illegible documents along with the captioned suit.

8. Exemption allowed, subject to just exceptions. However, true typed/translated/clear copies of the documents with proper margins be filed within four weeks with an advance copy to the defendants.

9. The application stands disposed of.

**I.A. 9318/2026 (Order XXXIX Rules 1 & 2, CPC)**

10. Present application has been filed on behalf of the plaintiff under Order XXXIX Rules 1 & 2 of CPC, 1908 seeking *ex-parte ad-interim* injunction against the defendants.

11. Plaintiff claims that its predecessor-in-interest namely Mothercare Global Brands Limited first adopted the trademark MOTHERCARE in the year 1961, when its founders, namely, Selim Zilkha and Sir James Goldsmith opened the first MOTHERCARE store in Surrey, United Kingdom. It is claimed that at first, the plaintiff's business primarily focused on pushchairs, nursery furniture and maternity clothing, however, with the efflux of time, the plaintiff in the year 1968, expanded its product range and began selling children clothes up to an age of five and gradually over time, started selling children clothes up to an age of eight.

12. Plaintiff claims that all the rights, title and interest in the trademark MOTHERCARE and its other formative trademarks in India were assigned to the plaintiff by its predecessor-in-interest *vide* Assignment Deed dated 15.10.2024. It is claimed that the plaintiff and its predecessor-in-interest, as of today, are engaged in the business of manufacture and sale of a wide range of



maternity and children's clothing, maternity products such as breast pumps, breast pads etc., furniture and home furnishings, bedding, feeding, bathing equipments, travel equipments, toys, sanitary napkins and cleaning towels/wipes, diaper and toiletries for women and children including various types of lotions apart from other skincare and haircare products bearing the trademark MOTHERCARE, worldwide as well as in India, through its various retail stores in the United Kingdom or through their various franchisees and joint venture partners, spread across 32 countries, through 700 stores. It is claimed that the plaintiff and its predecessor-in-interest has over the years bolstered its worldwide online sales, through the websites of its franchisee partners, including but not limited to [www.mothercare.in](http://www.mothercare.in) in India, throughout South East Asia *via* the websites [www.mothercare.co.id](http://www.mothercare.co.id), [www.mothercare.ph](http://www.mothercare.ph), [www.mothercarethailand.com](http://www.mothercarethailand.com), [www.mothercare.com.my](http://www.mothercare.com.my), and [www.mothercare.com.vn](http://www.mothercare.com.vn), as well as in several Middle Eastern countries through [www.mothercarestores.com](http://www.mothercarestores.com), and in United Kingdom since September 2023, through their franchisee partner, Boots, through the website [www.mothercarestores.com](http://www.mothercarestores.com).

13. It is stated that the plaintiff's predecessor, MGBL's products bearing the trademark MOTHERCARE enjoy tremendous reputation and goodwill all around the world, including in India, owing to huge sales amassed by its products under the trademark MOTHERCARE. The details of the worldwide retail sales of the plaintiff and/or its predecessor from the years 2018 to 2025 are enumerated in para 8 of the plaint. The statement of the account sales revenue of the plaintiff in India, as detailed in para 9 of the plaint, is reproduced hereunder:-


Financial Year	Approx. Annual Revenues (in GBP)
2015-16	24,453K
2016-17	27,555K



2017-18	28,631K
2018-19	25,060K
2019-20	26,117K
2020-21	13,787K
2021-22	19,717K
2022-23	29,540K
2023-24	24,039K

14. Plaintiff claims that for numerous years, it has been marketing its products under the trademark MOTHERCARE through various media accessible by consumers in many countries, including India. The plaintiff also claims to have collaborated with various celebrities over the years which include Smile by famous Welsh Designer - Julian Macdonald, Ed-A-Mamma with Bollywood actress - Alia Bhatt etc. Plaintiff also claims to have made strident efforts to create social awareness through various marketing campaigns such as #BodyProudMums and #NotAPerfectMom. The plaintiff's products under the trademark MOTHERCARE have also been featured in various articles in various prominent newspapers such as the Hindu, Economic Times and fashion website such as India Fashion Forum. Plaintiff and/or its predecessor's products under the trademark MOTHERCARE are claimed to have been accorded with various awards.

15. It is claimed that the plaintiff's predecessor has obtained registrations for the trademark MOTHERCARE including its stylised variations in numerous countries in Class 5, the details of which are enumerated in para 15 of the plaint. The plaintiff claims to be a registered proprietor of the trademark MOTHERCARE including its stylised variations in various classes in India, obtained by its predecessor, the details of which are reproduced hereunder:-

S. No	Trade Mark	Reg. No	Class(es)	Date of Registration	Validity
1.	MOTHERCARE	1373023	5, 25 and other classes	21.07.2005	21.07.2035
2.		268484	25	04.12.1970	04.12.2035



16. Plaintiff claims that atleast since the year 2006, the plaintiff has sold its goods bearing the trademark MOTHERCARE in India. It claims to have opened its first store in India in the year 2006 in the city of Bengaluru at Shopper's Stop. It further expanded its footprint in India by entering into a joint venture with one of the largest real estate companies – DLF. In the year 2017, the plaintiff claims to have registered an Indian specific domain name MOTHERCARE.IN. In the year 2018, the plaintiff's joint venture partner – Reliance Brands Limited acquired the rights to operate all retail stores of the plaintiff for selling the products under the trademark MOTHERCARE. It is claimed that apart from the physical retail stores, the products bearing the trademark MOTHERCARE are sold through e-commerce platforms such as Amazon, Flipkart, Ajio etc. The details of the plaintiff's Indian franchise partner's gross retail sales to Indian consumers and stock sales to the franchise partner are enumerated in para 23 of the plaint.

17. It is claimed that the plaintiff or its predecessor's social media presence under the trademark MOTHERCARW covers Facebook, Instagram, LinkedIn, X (Formerly Twitter) and other social media platforms. The details of the followers/subscribers on these platforms are enumerated in para 26 of the plaint, and reproduced hereunder:-

Social Media Platform/URL(s)	Subscribers/ Likes/Follows
Mothercare India Official Instagram page <a href="https://instagram.com/mothercare_india/?hl=en">https://instagram.com/mothercare_india/?hl=en</a>	290,000
Mothercare India Official Facebook page <a href="https://www.facebook.com/mothercareIN/">https://www.facebook.com/mothercareIN/</a>	68,000
Mothercare UK Facebook page <a href="https://www.facebook.com/mothercareuk/">https://www.facebook.com/mothercareuk/</a>	387,000
Mothercare UK Official Instagram page <a href="https://www.instagram.com/mothercareuk/?hl=en">https://www.instagram.com/mothercareuk/?hl=en</a>	186,000
Mothercare UK X (formerly known as Twitter) page <a href="https://x.com/mothercareuk?lang=en">https://x.com/mothercareuk?lang=en</a>	74,200
Mothercare plc LinkedIn page <a href="https://www.linkedin.com/company/mothercare/">https://www.linkedin.com/company/mothercare/</a>	48,461

18. It is claimed that the trademark MOTHERCARE has acquired the status of well-known trademarks under Article 6bis of the Paris Convention, which



indicates that the trademark MOTHERCARE has come to exclusively and solely associated with the plaintiff and its predecessor, and has developed trans-border reputation owing to the plaintiff's predecessor's long, extensive and continuous use all over the world. Plaintiff also claims that its registrations and use of the trademark MOTHERCARE fall in the category of 'well known' trademarks as defined in Section 2(1)(zg) of the Trade Marks Act, 1999 and thus, the plaintiff is entitled to the highest degree of protection.

19. Plaintiff claims that the defendant nos.1 and 2 are claimed to be the proprietors/partners, trading as A.M. Agencies and/or Hamza Kids Wear in Hyderabad. Defendant no.3 is Asma Textiles operating in Hyderabad. As per the plaintiff, the defendant nos.1 and 2 sell and supply their products bearing the impugned trademark to defendant no.3 for further sale and distribution, and thus, are collectively engaged in manufacturing, supplying, and selling baby diapers, wipes, under-pads and other mother and baby products under the impugned trademark MOTHER CARE.

20. Plaintiff claims that it came to its attention that the defendant no.1 has



filed a trademark application for the mark in Class-5, with user claim of 01.04.2008, which has been duly objected by the plaintiff. However, the said application has been abandoned by the defendant no.1 on 23.01.2024.

21. The plaintiff engaged the services of an investigator in July, 2023 and obtained details of the infringing activities of the defendants. Accordingly, a cease and desist notice was issued to the defendants on 31.10.2023 which was duly responded to by the defendant no.1 refuting such claims. After few correspondences, the plaintiff in the month of April, 2024 again engaged the



services of an independent investigator. Upon the investigator's visit to the defendant no.1's premises, he revealed that the defendants have stopped dealing in the brand MOTHER CARE and are therefore, not holding any stock thereof. However, plaintiff came to know through the investigation report dated 27.02.2026 that the defendants have re-commenced use of the impugned trademark MOTHER CARE in respect of the baby products, though clandestinely, albeit under another trading name – Hamza Kids Wear.

22. Plaintiff claims that the defendants are also largely using the brands Rolly Polly, Teddy, Mamy Poko and Love Baby etc. The investigation report further revealed that the defendants are using the impugned trademark MOTHER CARE under the erstwhile trading name – A.M. Agencies under its YouTube pages – <https://www.youtube.com/@a.magencies3847>, <https://www.youtube.com/watch?v=h0KK54rjzess>, <https://www.youtube.com/watch?v=zWk8LiMvw5o> and also by third party listing – <https://www.youtube.com/watch?v=pRdepwJqBGc> alongwith the online listing on JustDial - [https://www.justdial.com/Hyderabad/A-M-Agencies-Opposite-Madina-Building-Quadri-Bazar-Pathar-Gatti/040P1233997294Z2K5R2\\_BZDET](https://www.justdial.com/Hyderabad/A-M-Agencies-Opposite-Madina-Building-Quadri-Bazar-Pathar-Gatti/040P1233997294Z2K5R2_BZDET), and on the Google Maps – <http://share.google/VaOMzr8imbsxOVljS>, which are still active and showcasing the impugned trademark MOTHER CARE.

23. The plaintiff asserts that though the defendants have blatantly copied the plaintiff's trademark MOTHERCARE and are using an identical mark, i.e., MOTHER CARE, evidencing the dishonesty and deception on the part of the defendants to ride on the coattails of the goodwill and reputation that vest in the trademark MOTHERCARE of the plaintiff.

24. Predicated on the above, the plaintiff seeks an urgent *ex-parte ad-interim* injunction against the defendants.

25. Having considered the submissions made by the learned counsel for the



plaintiff and perusing the pleadings and the documents on record, this Court is of the opinion that an *ex-parte ad-interim* injunction would be in order.

26. At the outset, it would be apposite to have the tabular comparison of the rival marks which is extracted hereunder:-

Plaintiff	Defendants
MOTHERCARE	MOTHER CARE
Manner of Use	
	

27. The perusal of the marks clearly indicates that the infringing trademark is “MOTHER CARE” while that of the plaintiff is “mothercare”. Except for the difference that the infringing marks is in capital letters, the infringing mark is identical visually, structurally, phonetically as well as deceptively similar. The goods which are sold under the infringing trademark are the same as that of the plaintiff. The class of consumers which are users of the said products manufactured by the plaintiff as also the defendant are also identical/common. Therefore, it can be safely inferred that an unwary consumer with average intelligence and imperfect recollection is sure to get confused or deceived into believing that the goods manufactured by the defendant are those of the plaintiff or associated with it.

28. It is pertinent to note that in response to the Cease and Desist notice dated 31.10.2023 issued by the plaintiff, the defendant *vide* the reply dated 07.11.2023 had denied similarity and had asserted that, “*THE TWO TRADE MARKS IN QUESTION ARE TOTALLY DISTINCT AND POLES APART in visual aspects.*” However, despite the said assertion, the trademark application bearing no.4908397 for the device mark “MotherCare”, filed by the defendant



on 17.03.2021 disclosing the user detail as 01.04.2008, was abandoned as per the status dated 13.03.2026 filed by the plaintiff. The order dated 24.01.2024 of the Registrar of Trade Marks holding that the aforesaid trademark application as abandoned has also been placed on record by the plaintiff. Plaintiff asserts that it had filed opposition to the said application and since the defendant chose not to file its counter statement or persuade any further, the said application has been deemed abandoned.

29. Though according to the plaintiff, the defendant had ceased all infringing operations thereafter, however, the defendants re-started the infringing activities sometime in February, 2026. The independent investigator is stated to have met Mr. Syed Jalaluddin, the defendant no.1, from whom he has claimed to have ascertained that products in the line of baby care and adult diapers were being manufactured and offered for sale under the brand MOTHER CARE. The internet investigation on various e-platforms also is stated to be disclosing availability of the infringing products under the defendant's mark MOTHER CARE.

30. It is apparent from the above that the defendant has dishonestly adopted the mark MOTHER CARE without any justifiable reasons. As noted above, the two marks are identical, visually and phonetically. It is most likely to cause confusion with the unwary consumer with average intelligence and imperfect recollection. The consumer would associate the products of the defendant as those of the plaintiff or be under an impression that such goods are associated with the plaintiff somehow. Every purchase would cause financial loss to the plaintiff and unlawful financial gain to the defendant.

31. The plaintiff has evidenced a *prima facie* strong case in its favour. The trademark registrations, worldwide sales figures as also the sales figures in India for the last many years coupled with the abandonment of the trademark application by the defendant no.1, post the opposition proceedings initiated by



the plaintiff tilt the balance in favour of the plaintiff. The plaintiff shall suffer irreparable loss and injury which may not be adequately compensated in monetary terms in case an *ex-parte ad-interim* injunction order is not passed.

32. In view of the above, the defendants, their successors, partners, assigns in business, licensees, franchisees, legal heirs and/or any persons claiming right through/from them, are restrained from manufacturing, offering for sale, selling, displaying, advertising online or offline or through any other online marketplace or social media, whether directly or indirectly dealing in any product, including but not limited to baby diapers, wipes & under-pads, etc., bearing the impugned mark, *inter alia*, MOTHER CARE or its logo, i.e.,



, and/or any other mark, that may be identical/deceptively similar to the plaintiff's trademark MOTHERCARE.

33. The defendants are also directed to take down the online listings on third-party platforms as mentioned in para 22 of the Order.

34. Issue notice.

35. Let a reply to this application be filed by the defendants within four weeks from service. Rejoinder, thereto, if any, be filed within two weeks thereafter.

36. Compliance of Order XXXIX Rule 3 of CPC shall be done within ten days from date.

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37. Let the plaint be registered as a suit.

38. Upon filing of the process fee, issue summons of the suit to the defendants through all permissible modes.

39. The summons shall state that the Written Statement shall be filed by the defendants within 30 days from the date of the receipt of summons. Alongwith



the Written Statement, the defendants shall also file Affidavit of Admission/Denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.

40. 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 defendants be filed by the plaintiff, without which the Replication shall not be taken on record.

41. 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.

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

43. List before the Joint Registrar (Judicial) on 16.07.2026 for completion of service and pleadings.

44. List before the Court on 30.09.2026.

**TUSHAR RAO GEDELA, J**

**APRIL 7, 2026**

*Sumit*