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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 416/2026**

M/S HOUSE OF DIAGNOSTICS LLP & ORS.Plaintiffs
Through: Mr. Vaibhav Vutts, Ms. Aamna Hasan,
Ms. Anupriya Shyam, Mr. Aarya
Deshmukh and Ms. Vaibhavi SG,
Advocates.

versus

HOME OF DIAGNOSTICS LIMITEDDefendant
Through:

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
21.04.2026

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I.A. 10880/2026 (Additional Documents)

1. The present application has been filed on behalf of the plaintiffs 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 plaintiffs are 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. 10878/2026 (Pre-Institution Mediation)

4. This is an application filed by the plaintiffs 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. 10879/2026 (Exemption from filing original documents)

7. This is an application filed on behalf of the plaintiffs under Section 151 of CPC seeking exemption from filing original documents of copies at page nos.22-24, 25, 26, 27, 28 and 29 along with the captioned suit.

8. Exemption allowed, subject to just exceptions. However, the said original documents with proper margins be filed within four weeks with an advance copy to the defendant.

9. The application stands disposed of.

I.A. 10881/2026 (Exemption)

10. This is an application filed on behalf of the plaintiffs under Section 151 of CPC seeking exemption from filing clearer/legible documents along with the captioned suit.

11. 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 defendant.

12. The application stands disposed of.

I.A. 10882/2026 (Urgent listing alongwith affidavit)

13. This is an application filed on behalf of the plaintiffs under Section 151 of CPC for urgent listing.

14. Since the matter has been listed today for consideration, the application has been rendered infructuous.

15. The application stands disposed of as such.

I.A. 10877/2026 (Order XXXIX Rules 1 & 2, CPC)

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



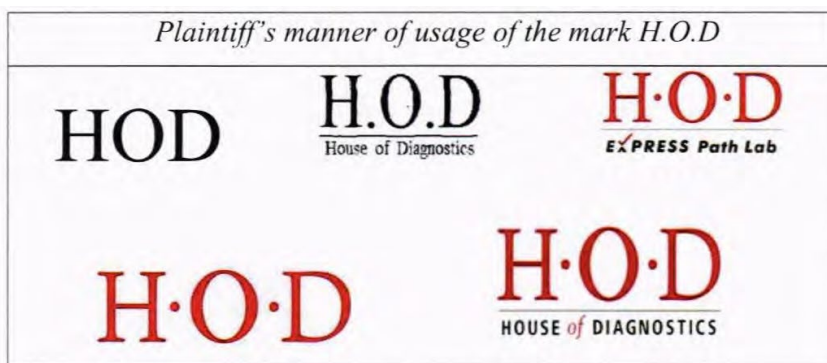
against the defendant.

17. The plaintiffs are a part of HOD Group comprising of three sister concerns - plaintiff no.1/House of Diagnostics, plaintiff no.2/HOD Healthcare Pvt. Ltd. and plaintiff no.3/House of Diagnostics Healthcare Pvt. Ltd., which are being managed by the members of the same family. The plaintiffs claim to be a well-established and reputed organization and well-known for providing quality, reliable and affordable diagnostic services and are focused towards attaining and benchmarking best industry standards with respect to their medical diagnostics services. The plaintiffs provide an extensive range of medical, health diagnostics, pathology, radiology, therapy and allied and connected services including but not limited to 3T MRI, CT Scan, Whole body PET-CT, Gamma Camera, Ultrasound, X-Ray, DEXA, Mammography, Uroflowmetry Test, Echocardiography, Neurology tests, etc.

18. It is claimed that the plaintiffs, in the year 2008, honestly and *bona fide*, conceived and adopted the trademark HOUSE OF DIAGNOSTICS/HOD/



for their goods and services. Subsequently, in the year 2013, the plaintiff no.1 adopted the trademark 'H.O.D.' as a part of its corporate name which has been in use since, as a word mark *per se* as well as a label mark and other variants. Plaintiffs claim to use the trademark HOD/H.O.D as a label mark in a highly distinctive manner, as depicted hereunder:-





19. The details of the registrations and applications filed by the plaintiffs for the HOD trademarks are enumerated hereunder:-

S. no.	Trademark	Application Number	User Details	Status	Application Date
1.	H.O.D House of Diagnostics	2297846	01.04.2008	Registered	12.03.2012
<i>Class 10 Surgical, Medical, Dental and Veterinary Apparatus and Instruments, Artificial Limbs, Eyes and Teeth; Orthopaedic Article; Suture Materials</i>					
2.	H.O.D House of Diagnostics	2297847	01.04.2008	Registered	12.03.2012
<i>Class 41 Education; Providing of Training; Entertainment; Sporting and Cultural Activities</i>					
3.	H.O.D House of Diagnostics	2297848	01.04.2008	Registered	12.03.2012
<i>Class 42 Scientific and Technological Services and Research and Design Relating Thereto; Industrial Analysis and Research Services; Design and Development of Computer Hardware and Software</i>					
4.	H.O.D House of Diagnostics	2297849	01.04.2008	Pending	12.03.2012
<i>Class 44 Medical Services, Veterinary Services, Hygienic and Beauty Care for Human Beings or Animals, Agriculture and Forestry Services</i>					
5.	H.O.D	3613829	Proposed to be used	Registered	16.08.2017
<i>Class 35 Computerized Database Management For Tracking Patient Information For Diagnostic Testing; Referral Services In The Fields Of Medical, Health And Clinical Care; Product Demonstration Services In The Field Of Medical Diagnostic Testing; Computerized Database Management Of Diagnostic Testing And Results; Computerized Database Management Of Medical, Hospital Insurance And Billing Records; And Providing Information Regarding Hospital Billing Records; Computer Services, Namely, Electronic Storage And Retrieval Of Messages And Data In The Field Of Diagnostic Testing And Preparations For The Treatment, Monitoring And Diagnosing Of Disease; Computer Services, Namely, Electronic Storage And Retrieval Of Biological Specimens And Diagnostic Assays</i>					
6.	H.O.D	3613830	Proposed to be used	Registered	16.08.2017
<i>Class 44: Medical services, hospitals, nursing homes, medical clinic, medical assistance, health care, health centres, health diagnostic services, pathology services, radiology services, therapy services,</i>					



<i>opticians" services, blood bank services, hair implantation; medical equipment rental.</i>					
7.		3613831	Proposed to be used	Registered	16.08.2017
<i>Class 35: Computerized Database Management For Tracking Patient Information For Diagnostic Testing; Referral Services In The Fields Of Medical, Health And Clinical Care; Product Demonstration Services In The Field Of Medical Diagnostic Testing; Computerized Database Management Of Diagnostic Testing And Results; Computerized Database Management Of Medical, Hospital Insurance And Billing Records; And Providing Information Regarding Hospital Billing Records; Computer Services, Namely, Electronic Storage And Retrieval Of Messages And Data In The Field Of Diagnostic Testing And Preparations For The Treatment, Monitoring And Diagnosing Of Disease; Computer Services, Namely, Electronic Storage And Retrieval Of Biological Specimens And Diagnostic Assays.</i>					
8.		3613832	Proposed to be used	Registered	16.08.2017
<i>Class 44 Medical Services, Hospitals, Nursing Homes, Medical Clinic, Medical Assistance, Health Care, Health Centres, Health Diagnostic Services, Pathology Services, Radiology Services, Therapy Services, Opticians" Services, Blood Bank Services, Hair Implantation; Medical Equipment Rental.</i>					
9.		5694258	21.07.2012	Registered	23.11.2022
<i>Class 44 Medical services, veterinary services, hygienic and beauty care for human beings or animals, agriculture and forestry services; Medical diagnostic services; surgical diagnostic services; medical assistance; medical clinic services; medical clinic services and medical analysis services for diagnostic and treatment purposes provided by medical laboratories, such as x-ray examinations and taking of blood samples; diagnosis of visual processing disorders; remote monitoring of medical data for medical diagnosis and treatment; medical analysis services for diagnostic and treatment purposes provided by medical laboratories</i>					

20. Plaintiffs claim that they are the original conceiver, adopter and user of the artistic works in HOD/House of Diagnostics labels. It is claimed that the unique manner of representation of the plaintiffs' H.O.D trademarks have been created by the plaintiffs and under their instructions, for them exclusively and constitute original works under the Copyright Act, 1957. The details of the



copyright applications are as below:-

<i>Application No.</i>	<i>Work</i>	<i>Date of application</i>	<i>Class of the work</i>	<i>Title of the work</i>	<i>Status</i>
A-120392/2017		14.06.2017	Artistic Work	H O D	Registered
A-130643/2019		16.07.2019	Artistic Work	H.O.D Express Path Lab	Registered
A-130692/2019		16.07.2019	Artistic Work	H.O. D	Registered

21. Plaintiffs claim to have been continuously and openly using the aforesaid distinctive artist works as well as trademarks which are exclusively associated and identified with the plaintiffs by the public at large.

22. The plaintiffs claim to be the registered proprietor of the domain name www.houseofdiagnostics.com since the year 2012 and of <https://www.hod.care/> since the year 2017. Furthermore, the plaintiffs are actively promoting and advertising their goods and services on various social media platforms including Instagram, Facebook, LinkedIn, Twitter and YouTube as well as through Google Ads. The plaintiffs claim to be running around 50 centres in major cities of North India as well as 150+ collection centres in and around Delhi NCR region and the trademarks H.O.D. are prominently displayed on all the branches of its diagnostics centres.

23. In the year 2022, the plaintiffs launched their mobile app by the name 'H.O.D' for streamlining booking tests, health packages etc., which is available on both iOS and Android platforms. The plaintiffs also claim to be accorded with certifications and recognitions such as NABL accreditation and NABH accreditation.

24. It is claimed that the continuous, extensive and long use of the plaintiffs' H.O.D trademarks for their goods and services have resulted in significant



amount of sales, the details of which are enumerated hereunder:-

Year	Sales (in INR lakhs)
2012-2013	1,251.35
2013-2014	2,127.14
2014-2015	2,518.91
2015-2016	3,277.18
2016-2017	3,886.99
2017-2018	5,018.09
2018-2019	5,859.67
2019-2020	7,534.77
2020-2021	6,648.39
2021-2022	13,029.42
2022-2023	12,838.68
2023-2024	14,952.48
2024-2025	18899.74
2025-2026 (Till 31.10.2025)	13,713.14

25. The plaintiffs claim to have advertised, marketed and promoted the H.O.D trademarks for their goods and services through both electronic and print media as well as internet. The year wise expenditure on promotion of the goods and services under the plaintiffs' H.O.D trademarks are mentioned hereunder:-

Year	Expenses (in INR Lakhs)
2012-2013	2.00
2013-2014	16.04
2014-2015	51.45
2015-2016	199.15
2016-2017	218.87
2017-2018	334.67
2018-2019	415.68
2019-2020	490.00
2020-2021	244.83
2021-2022	702.90
2022-2023	784.49
2023-2024	536.96
2024-2025	667.31
2025-2026 (Till 31.10.2025)	472.28

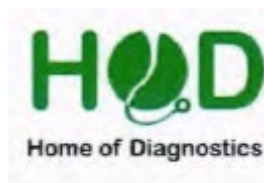
26. Plaintiffs claim to be vigilant about their rights in their intellectual property including the H.O.D trademarks and copyright therein which have



been recognized and acknowledged by this Court in FAO 235/2019 and CS(COMM) 869/2023.

27. It is claimed that the goods and services of the plaintiffs are highly demanded amongst the public on account of their high-quality diagnostic and pathology services which are value-priced, along with highly skilled and qualified radiologists, technicians & doctors and state-of-the-art technology ensuring a higher quality of services, accuracy and reliability. It is further claimed that the plaintiffs are a market leader and besides maintaining excellent quality of their goods and services under the H.O.D trademarks, they lay immense emphasis on research & development and innovation to consistently improve the quality of goods and services and thereby expand their customer base. Thus, it is stated that the plaintiffs' H.O.D trademarks have acquired distinctiveness and are identifiable and associated with the plaintiffs only.

28. It is stated that the defendant company was incorporated on 08.11.2019 and appears to be engaged in the business of providing diagnostics services



under an almost identical trademark /HOD DIAGNOSTICS/HOME OF DIAGNOSTICS, as that of the plaintiffs' H.O.D trademarks. The plaintiffs claim that in and around March, 2026, the plaintiffs came across the listing of the defendant's diagnostic centre being under the impugned mark at Meerut, Uttar Pradesh on the e-commerce platform of IndiaMart. As per the information available therein, the defendant claims to be providing identical services as the plaintiffs, of diagnostic centres, pathology services, mammography, Ultrasound, Dental imaging, MRI scan, blood test, CT scan and the like. The defendant also claims to have a branch office in Hari Nagar, Delhi.



29. The plaintiffs have also come across the defendant's listing on social media platform such as Instagram and on www.diagnosticcentres.in wherein the defendant is advertising its diagnostic centre under the impugned mark being run in Meerut, Uttar Pradesh. It is claimed that during the investigation, the plaintiffs came across the trademark application no.4989472 dated 31.05.2021 filed in the name of Mr. Ram Bhajan Singh, one of the directors of



the defendant company, for the impugned mark / HOME OF DIAGNOSTICS in Class-44, claiming use since 17.12.2019. The plaintiffs assert that the said application of the defendant has been refused under Section 11(1) of the Trade Marks Act, 1999 by the Trade Marks Registry *vide* order dated 08.03.2024 on the grounds of likelihood of confusion with the cited mark being the plaintiffs' prior registered trademark no.2297849 for the mark H.O.D HOUSE OF DIAGNOSTICS.

30. Plaintiffs claim to have addressed a legal notice dated 18.03.2025 to the defendant calling upon it to change its trade name and remove any reference to the deceptively similar impugned mark, labels and other materials from all websites. However, no response has been received by the plaintiffs.

31. Plaintiffs contend that the defendant is free riding upon the hard-earned goodwill and reputation of the plaintiffs' H.O.D trademarks. Moreover, the plaintiffs and the defendant are in the same field of business catering to identical consumers which will surely result in confusion and deception in the minds of the public at large who will assume a connection or association between the plaintiffs and the defendant.

32. Predicated thereon, an *ex-parte ad-interim* injunction is being sought against the defendant.

33. Having perused the plaint, and the documents annexed therewith and



having heard the arguments of learned counsel for the plaintiffs, this Court is of the considered opinion that an *ex-parte ad-interim* injunction would be in order.

34. At the outset, it would be relevant to consider the comparative chart of the two rival marks:-

<i>Mark of the Plaintiffs</i>	<i>Mark of the Defendant</i>
 HOUSE OF DIAGNOSTICS H.O.D HOD	 HOME OF DIAGNOSTICS HOD DIAGNOSTICS HOD

35. On a bare perusal of the rival marks, the deceptive similarities are more than apparent. The mark 'HOD' of the defendant is identical with the registered mark 'H.O.D' of the plaintiffs, except the mark of the defendant does not have the dots between the three letters. Even the underlying superscript 'Home of Diagnostics' of the defendant is deceptively similar to 'House of Diagnostics' of the plaintiff. The style and manner of writing and presentation of the letters HOD and the underlying superscript is likely to confuse or deceive the consumer into believing that the goods and services provided by the defendant are either that of the plaintiff or are associated with the plaintiff. What is to be considered are the similarities between the marks and from the stand point of an ordinary consumer with average intelligence and imperfect recollection.

36. Apart from the above, both the parties are providing the same services, i.e., diagnostics etc. and thus, the likelihood of confusion is higher since the consumers would be common. The plaintiffs have their marks registered and appear to have garnered substantial goodwill and considerable reputation over




the years, which is demonstrable from its sales turnover and expenditure on advertisements and promotion.

37. Thus, evidently, the plaintiff has been able to *prima facie* establish a strong case in its favour and against the defendant. Having regard to the observations in the preceding paragraphs, the balance of convenience is in favour of the plaintiff. The plaintiff is likely to suffer irreparable loss and injury which may not be adequately compensated in monetary terms in case *ex-parte ad-interim* injunction orders are not passed against the defendant.

38. In view of the aforesaid, the following directions are passed:-

- (i) The defendant, its partners or proprietors, officers, servants, agents, their assigns in business, dealers and others associated with it are restrained from using the impugned trademark HOD

DIAGNOSTICS/Home of Diagnostics/  /



, or any other mark, name, logo, monogram or label that is or may be identical with or deceptively similar to the trade name and registered trademark H.O.D/HOUSE OF DIAGNOSTICS/



of the plaintiffs, or to market, sell, offer for sale, license, advertise, directly or indirectly deal in any identical and/or allied or cognate goods of the plaintiffs under such trademarks;

- (ii) The defendant is directed to immediately remove all listings under the impugned mark from all websites and social media platforms including but not limited to IndiaMart –



<http://www.indiamart.com/hod-diagnostics/>, Instagram –
<http://www.instagram.com/hoddiagnostics/> and Diagnostic centres –
www.diagnosticcentres.in;

39. Issue notice.
40. Let a reply to this application be filed by the defendant within four weeks from service. Rejoinder, thereto, if any, be filed within two weeks thereafter.
41. Compliance of Order XXXIX Rule 3 of CPC shall be done within ten days from date.

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42. Let the plaint be registered as a suit.
43. Upon filing of the process fee, issue summons of the suit to the defendant through all permissible modes.
44. 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. Alongwith the Written Statement, the defendant shall also file Affidavit of Admission/Denial of the documents of the plaintiffs, without which the Written Statement shall not be taken on record.
45. Liberty is granted to the plaintiffs to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the plaintiffs, an Affidavit of Admission/Denial of the documents of defendant be filed by the plaintiffs, without which the Replication shall not be taken on record.
46. 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.
47. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.
48. List before the Joint Registrar (Judicial) on 20.07.2026 for completion of



service and pleadings.

49. List before the Court on 28.09.2026.

TUSHAR RAO GEDELA, J

APRIL 21, 2026/anj