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

+ **CS(COMM) 648/2026**

HIMALAYA GLOBAL HOLDINGS LTD & ANR.Plaintiffs
Through: Mr. Vishal Nagpal, Ms. Suhrita
Majumdr, Ms. Manya Jain and Mr. Bal Krishan
Singh, Advocates.

versus

**AWADH BIHARI BADAL PROPRIETOR OF ALOE CARE
AROGYA LIFE & ANR.**Defendants
Through:

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

ORDER

% **29.05.2026**

I.A. 15842/2026 (Exemption)

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

**I.A. 15841/2026 (u/O XI Rule 1(4) of Commercial Courts Act, 2015 r/w
Section 151 CPC)**

3. This application is filed on behalf of the Plaintiffs seeking to place on record additional documents within 30 days.
4. Plaintiffs, if they wish to file additional documents at a later stage, shall do so strictly in accordance with the provisions of the Commercial Courts Act, 2015.
5. Application is allowed and disposed of.

I.A. 15840/2026 (for pre-institution mediation)

6. This application is filed on behalf of the Plaintiffs under Section 12-A of the Commercial Courts Act, 2015 seeking exemption from Pre-Institution



Mediation.

7. 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.

8. Application is allowed and disposed of.

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9. Let plaint be registered as a suit.

10. Upon filing of process fee, issue summons to the Defendants through all permissible modes, returnable before the learned Joint Registrar on 28.07.2026.

11. Summons shall state that the written statements shall be filed by the Defendants within 30 days from the receipt of summons along with affidavits of admission/denial of the documents filed by the Plaintiffs.

12. It will be open to the Plaintiffs to file replications within 30 days from the date of receipt of written statements along with affidavits of admission/denial of documents filed by the Defendants.

13. 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.

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

I.A. 15839/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

15. This application is filed on behalf of the Plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 of CPC for grant of *ex parte* ad interim



injunction.

16. Issue notice to the Defendants through all permissible modes, returnable before Court on 05.10.2026.

17. Case of the Plaintiffs as set out in the plaint is that Plaintiff No.1 and Himalaya Drug Company Private Limited, which is an allied concern of Plaintiff No.1, are partners in Plaintiff No.2, which has been in the business of manufacture and marketing of ayurvedic medicines, health products and cosmetic products since 1930 and is one of the most renowned and respected business concerns in India as well as abroad. Plaintiffs are a leading global herbal health and personal care organization, offering close to 500 health care products in the domain of pharmaceuticals, herbal medicines, personal care and wellness in over 100 countries and deals in several well-known products and brands including Liv. 52, Septilin, Cystone, Bonnisan, Serpina and Rumalaya forte, amongst others. Efficient research and development continue to be the cornerstone of the Plaintiffs' prowess and Plaintiffs regularly come up with new Ayurvedic products based on such high quality research and Development.

18. It is stated that the trademark "Liv.52" was adopted by predecessors-in-interest of Plaintiffs in 1955 and has been in open, continuous and extensive use ever since. For many years, Plaintiffs' Research and Development team had been working on a natural remedy to improve liver function and it was during 1950s that several coded liver formulations were put on trial one of which was found to be responsible for remarkable recovery from hepatitis. This led to wider product testing and further investigation and tests conducted across India showed significant improvement in liver functions, consequent to which the said product was branded and marketed under the trademark "Liv.52", which subsequently



became the flagship brand of the Plaintiffs and a top selling herbal medicine, synonymous with Plaintiffs' trademark "HIMALAYA".

19. It is stated that Plaintiffs' goods under Liv.52 trademark are available in the market in different variants such as Liv.52 Syrup, Liv.52 DS Syrup, Liv.52 Tablets, Liv.52 DS Tablets, Liv.52 Drops, Liv.52 HB Capsules, Liv.52 Protec Liquid, Liv.52 Protec-PPS, Liv.52 Pet Liquid, Liv.52 Vet, Liv.52 Protec Poultry, Liv.52 Protec and Liv.52 Furglow Liquid and photographs are as follows:-



20. It is stated that Plaintiffs' goods under Liv.52 trademark and its variants are sold under Plaintiffs' house mark Himalaya and logo



, which are represented in unique and stylised manner with a distinctive get up, placement and colour combination of green and orange along with a device of an orange leaf. The products are sold since 2001 in trade dress/packaging with a distinct green colour and a combination of green, white and orange. Trademark Liv.52 was adopted by Plaintiffs in 1955 and has been in continuous and extensive use for the last 71 years and the current trade dress has remained unchanged for the last 24 years.



21. It is stated that Plaintiffs have garnered immense goodwill and reputation owing to Liv.52 brand and the reputation has travelled internationally. Plaintiffs is the only phytopharmaceutical company whose ayurvedic product Liv.52 is registered as a 'pharmaceutical speciality' in Switzerland with numerous research articles about the product having been published in reputed scientific journals in India and abroad and also finds mentioned in the Limca Book of Records as India's highest selling herbal drug with around 1 billion tablets and 13 million syrup bottles being sold every year across the globe. Plaintiffs have secured several registrations to acquire statutory rights in the Liv.52 mark as follows:-

Sl. No.	Registration No.	Application Date	Trade Mark
1.	180564	10/07/1957	LIV. 52 (Word Mark)
2.	290061	10/08/1973	
3.	401959	25/02/1983	
4.	839263	01/02/1999	LIV.52 PROTEC (Word Mark)
5.	1115539	01/07/2002	
6.	1813135	30/04/2009	LIV.52 HB (Word Mark)
7.	5738547	26/12/2022	Liv.52 HAEMOTEC

22. It is stated that Plaintiffs' goodwill and reputation is indicated from the sales of the products under the trademark Liv. 52 and its associated trade dress as follows:-



Year	Sales Value ₹ Cr.
2012-13	198.29
2013-14	222.44
2014-15	237.8
2015-16	269.05
2016-17	296.4
2017-18	329.27
2018-19	364.78
2019-20	397.07
2020-21	430
2021-22	544.43
2022-23	525.16
2023-24	634.73
2024-25	684.54

23. It is stated that Plaintiffs have made significant investments towards advertisement and promotion of goods bearing the trademark 'Liv.52' and its attendant trade dress through various electronic and print media. The goods bearing the trademark 'Liv.52' and its attendant trade dress are advertised globally and the reputation, recognition and fame enjoyed by the trademark 'Liv.52' is of such a high degree that any mark containing 'Liv' as the leading and identifying feature or even in isolation is bound to be presumed by the trade and public to be originating from the Plaintiffs. Plaintiffs have been vigilant in safeguarding their intellectual property rights in their iconic trademark 'Liv.52' and have taken necessary actions at various forums. Reliance is specifically placed on the judgment of the Division Bench of this Court dated 09.11.2012 in ***Himalaya Drug Company vs. M/s. SBL Limited, RFA (OS) No. 90/2010***, wherein Respondent was restrained from using the mark 'LIV' as part of its trademark 'LIV-T' in respect of medicinal



preparations and wherein the Court held that use of expression 'LIV' even in isolation, is an infringement of prominent feature of Plaintiffs' registered trademark. Details of various law suits are furnished in paragraph 19 of the plaint.

24. It is stated that Defendant No.1 is a manufacturer and supplier of herbal products under the infringing mark 'Liv-22'. Defendant No.2 manufactures and supplies herbal products such as syrups, tonics, drops, capsules, tablets and personal care products under the impugned mark 'Liv-22'. It appears from the GST registrations that both Defendants are working together and in March, 2026, Plaintiffs came across listings of Defendant No.1 offering for sale syrups for liver care under the mark Liv-22, which is deceptively similar to Liv.52 and these products were advertised and offered for sale on Trade India website, <https://www.tradeindia.com/products/200ml-liv-22-livertonic-c9035334.html>, by Defendant No.2. Search of the online records of the Trade Marks Registry has revealed that Defendants do not have any registration in the mark Liv-22.

25. Learned counsel for the Plaintiffs submits that Defendant No.1 has been established only in 2017 and has mischievously adopted a deceptively similar mark Liv-22 for identical products and trade channels and consumer base being common, there is every likelihood of confusion amongst members of the public. Defendants are clearly infringing the registered trademark of the Plaintiffs in order to encash on the reputation of the Liv.52 mark for unlawful gains. Plaintiffs registered mark Liv.52 has garnered enviable reputation and goodwill and in financial year 2024-25 alone, Plaintiff No.2 had sold products worth more than Rs. 684.54 crores under the mark Liv.52. The dishonest intention of Defendants is evident and the



misrepresentation to the public that Defendants' product under Liv-22 has an association with the Plaintiffs is causing irreparable harm to Plaintiffs' goodwill and reputation.

26. Having heard learned counsel for the Plaintiffs and upon perusal of the documents as well as the rival marks, I am of the view that Plaintiffs have made out a *prima facie* for grant of *ex parte* ad interim injunction against the Defendants. 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.

27. Accordingly, till the next date of hearing, Defendants and all others acting on their behalf are restrained from manufacturing, selling, offering for sale, advertising, marketing, directly or indirectly dealing in impugned goods bearing the mark 'Liv-22' and/or any other mark/name which is identical and/or deceptively similar to Plaintiffs' registered trademark Liv.52, amounting to infringement of the trademark.

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

JYOTI SINGH, J

MAY 29, 2026
S.Sharma