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

+ **FAO (COMM) 97/2025 & CM APPL. 23724/2025**

MAXLIFE DIAGNOSTIC AND RESERCH CENTER & ORS.

.....Appellants

Through: Mr. Mohit Jolly and Mr. Mrinal
Madhav, Advocates

versus

MAX HEALTH CARE INSTITUTE LTD

.....Respondent

Through: Mr. Raunaq Kamath and Mr. Yash
Raj, Advocate

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **06.07.2026**

1. This appeal has been filed by the appellants primarily challenging the orders dated 05.03.2025 and 15.04.2025. The same read as under:-

“ **05.03.2025**

1. Ld. counsel for plaintiff has placed on record the printouts of the defendant's website, Social Media Pages as well as Blogs, Listing etc. of third party websites, evidencing use of impugned mark MAX as of March 4, 2025.

2. Ld. counsel for defendant submits that they have made all the efforts for removal of the name of the plaintiffs institute from all sites, however, they do not have control over all the third party websites.

3. Ld. counsel for plaintiff points out that besides third party listings, home page of the defendant institute itself reflects the infringement of trademark of plaintiff. Counsel for



plaintiff has demonstrated in the court as well as has also shown to the counsel for defendant from the website of the defendant with regard to infringement of the trademark of plaintiff even as on date.

4. It was made clear to defendant that they shall ensure compliance of injunction order including every third party listing for which two weeks time was permitted vide order dated 07.02.2025. It was also noted in the order that any default in compliance of the same, shall be considered deliberate on the part of defendants, rendering them liable for payment of the damages. Despite the specific directions and substantial time permitted to the defendants earlier and also subsequent to order dated 07.02.2025, compliance till date has not been made, so much so, that the home page of the defendant itself, reflects the infringement, which is now considered deliberate. Defendants are accordingly directed to deposit damages in sum of Rs. 5,00,000/- (Rs. Five lacs only) before the court within one week, failing which, they shall suffer incarceration for one week. It is also directed that any further default shall entail damages in further sum of Rs. 5,00,000/- (Rs. Five lacs only) for every week of disobedience/non-compliance, in default, incarceration for one week for every default, till the absolute compliance is made.

5. Be put up for further proceedings on 15.04.2025.”

“

15.04.2025

Memorandum of Appearance of counsel Sh. Mrinal Mahav on behalf of defendant no.3 filed on record.

Ld. counsel for plaintiff points out that defendants till date have not complied with the order and are in continuous contempt of the same. Printouts of the defendant's website and social media pages placed on record.

Defendants were directed to pay the damages which order has also not been complied with. Accordingly, warrants of



arrest are directed to be issued against the defendants through SHO concerned on steps to be taken, for 16.05.2025.”

2. We have heard Mr. Jolly, learned counsel for the appellants and Mr. Kamath, the learned counsel for the respondent.
3. There is an interlocutory injunction granted by the Trial Court on 10.07.2024 in favour of the respondent herein against the appellant from using the mark ‘MAX’ or any other mark identical with or deceptively similar to the mark ‘MAX’. The order dated 05.03.2025 after observing that the appellants have failed to comply with the said injunction order dated 10.07.2024, in addition, to directing the appellants to take appropriate steps for take down of infringing listings on third party Web platforms, also awards damages in the sum of Rs. 5 lakhs in favour of the respondent herein.
4. During the pendency of the appeal, the appellants have taken steps to ensure compliance with the said injunction order dated 10.07.2024 and communicated with the third-party Web platforms for take down of the infringing listings. The respondent has also submitted that it is satisfied with the steps taken by the appellants to comply with the injunction order dated 10.07.2024.
5. On the last date of hearing, Mr. Jolly had sought time to take instructions as regards an amicable resolution of disputes between the parties. As per his instructions, the injunction order dated 10.07.2024 which has been granted by the Trial Court can be made permanent and shall continue to bind the appellants for all times to come and also the damages of Rs. 5 lakhs, granted by the Trial Court vide order dated 05.03.2025 shall be



paid by the appellants to the respondent within four weeks in full and final settlement of the respondent's claims for damages in the suit. He states that with the said reliefs, respondent should put a quietus to the litigation/disputes in this appeal and the suit, pending before the Trial Court inter-se the parties. He clarifies the respondent should not press/seek any further amount granted by the Trial Court in the order dated 05.03.2025 as well in the suit.

6. We reproduce the interlocutory injunction order passed by the Trial Court on 10.07.2024 in paragraph '37' onwards as under: -

"37. Accordingly, interim injunction is granted in favour of the plaintiff and against the defendants till disposal of suit.

Defendants, their Partners, Directors, Proprietors if any, Franchisees, Officers, Servants, Agents, Representatives and anyone acting for on their behalf are restrained from:-

i. using mark/name MAX or any other mark/name identical with or deceptively similar to the Plaintiff's mark/name 'MAX, in any manner including as a part of the impugned marks/names MAX LIFE DIAGNOSTIC AND RESEARCH CENTRE or the domain name <https://maxlifeindia.com> amounting to infringement of the plaintiff's registered trade marks.

ii. using mark/name MAX or any other mark/name identical with or deceptively similar to the Plaintiff's mark/name 'MAX, in any manner including as a part of the impugned marks/names MAX LIFE DIAGNOSTIC AND RESEARCH CENTRE or the domain name <https://maxlifeindia.com> amounting to passing off of the defendant's business/services as that of the plaintiff.

38. Nothing stated herein above shall tantamount to have any expression or opinion on the merits of the case.

39. Application under Order 39 Rule 1 & 2 CPC stands disposed off in above terms."



7. Mr. Kamath, learned counsel for the respondent states on instructions that respondent is agreeable to the submissions made by Mr. Jolly. We accordingly, dispose of the appeal as well as the suit by confirming the interlocutory injunction order dated 10.07.2024 as final, which we have reproduced above, and grant one-time damages of Rs. 5,00,000/- in terms of order dated 05.03.2025 in favour of the respondent, to be paid within four weeks.

In view of the aforesaid agreement between the parties, it is clarified that the direction of payment of further sum of Rs. 5,00,000/- by appellants for every week of disobedience as directed vide order dated 05.03.2025 will cease to operate.

8. Accordingly, in terms of the injunction granted by the Trial Court on 10.07.2024 read with order dated 05.03.2025, to the extent, of grant of damages of Rs. 5,00,000/- that have been awarded by the Trial Court in favour of the respondent against the appellants, the same shall be converted into a decree and a decree-sheet be prepared on those terms.

9. This shall be the final order and will dispose of the suit being CS(COMM) 417/2020 pending before the District Judge (Commercial Court)-01 (South)/Saket Courts, New Delhi.

10. The respondent has however reserved its right to take appropriate steps against the entity or persons, which are allegedly continuing to use the impugned mark for the Diagnostic Centre from the same premises, where the appellant was earlier running X Life Diagnostics and Research Centre. Mr. Jolly confirms that the appellant has no connection with the entity or persons, who are allegedly now operating the institute. We clarify that the respondent will be at liberty to take appropriate steps against such third



party in accordance with law.

11. The appeal stands disposed of. Pending applications stand disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JULY 6, 2026/rhc