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

+ **CS(COMM) 708/2026**

DABUR INDIA LIMITED

.....Plaintiff

Through: Counsel (appearance not given).

versus

**SAMEER DAS SHASTRI PROPRIETOR OF MS MDL HERBAL
DHANVANATRI AYURVEDIC MAHAMRITUNJAY**

.....Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

08.07.2026

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I.A. 17178/2026

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

I.A. 17177/2026

By way of the present application filed under section 12A of Commercial Courts Act, 2015 read with section 151 of the Code of Civil Procedure 1908 ('CPC'), the plaintiff seeks exemption from attempting pre-litigation mediation.

2. Having regard to the facts and circumstances of the present case, and in light of the judgment of the Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi*¹ and of a Division Bench of this court in *Chandra Kishore Chaurasia vs. R A Perfumery Works (P) Ltd.*², the plaintiff is exempted from attempting pre-litigation mediation.

¹ (2024) 5 SCC 815

² 2022 SCC OnLine Del 3529



3. The application stands disposed-of.

I.A. 17176/2026

4. By way of the present application filed under Order XI Rule 1(4) of the Commercial Court Act 2015 read with section 151 of the CPC, the plaintiff seeks leave to file additional documents.
5. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.
6. The plaintiff is permitted to file additional documents within 30 days.
7. Application stands disposed-of.

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8. The plaintiff seeks permanent injunction restraining the defendant from infringing or passing-off of its trade mark, in addition to rendition of accounts, damages and delivery-up of the alleged infringing products.
9. Upon a *prima-facie* conspectus of the matter, let the plaint be registered as a suit.
10. Issue summons in the suit.
11. Upon the plaintiff taking requisite steps within 10 days, let summons be sent to the defendant by all permissible modes, returnable for the next date before the learned Joint Registrar.
12. Let the summons indicate that the defendant is required to file written statement to the plaint within 30 days from the date of receipt of summons, alongwith affidavit of admission/denial of the documents filed by the plaintiff. The plaintiff may file replication to the written statement within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by defendant(s).



13. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 05th October 2026.
14. List before court thereafter.

I.A. 17175/2026

15. By way of the present application filed under Order XXXIX Rules 1 & 2 of the CPC, the plaintiff seeks grant of *ex-parte ad-interim* injunction against the defendant pending disposal of the present suit; restraining them from using the plaintiff's trade mark "HAJMOLA" or any other mark/trade name identical and/or deceptively similar thereto. The prayers read as under:

"a. Restraining the Defendant, their partners, principals, employees, agents, distributors, franchisees, representatives, assigns and/ or all those connected with the Defendant in its business from using, in any manner whatsoever, in relation to any goods or services, inter alia, Ayurvedic digestive tablets, etc., the impugned mark- "HAJMOLA or any other mark, device, logo, domain name or trade name which is identical with and/or deceptively similar to the Plaintiff's prior well-known, registered HAJMOLA Mark in any manner whatsoever without the permission, consent, license of the Plaintiff thereby infringing the rights of the Plaintiff in its registered trademark amounting to an infringement thereof;

b. Restraining the Defendant, its partners, principals, employees, agents, distributors, franchisees, representatives, assigns and/ or all those connected with the Defendant in its business and/or any other person or entity acting for them from marketing, advertising, directly or indirectly in relation to any goods or services, inter alia, Ayurvedic digestive tablets, etc., the impugned mark- "HAJMOLA" or any other mark, device, logo, domain name or trade name or any other mark(s) deceptively similar thereto singularly or in conjunction with any other words or monogram/logo, as a trade mark, service mark, trade name, trading



style, domain name, website address, electronic mail identity and across all media and means of communication and on its website and various social media platforms or in any other manner whatsoever, on or in relation to or any product, service/business including advertising, business papers etc. which is identical with and/or deceptively similar to the Plaintiff's prior well-known, registered HAJMOLA Mark;

c. Restraining the Defendant from disposing of or dealing with its assets including its premises at the addresses mentioned in the Memo of Parties and its stocks-in trade or any other assets as may be brought to the notice of the Hon'ble Court during the course of the proceedings and/or the Defendant's disclosure thereof and which the Defendant is called upon to disclose and/or on their ascertainment by the Plaintiff as the Plaintiff is not aware of the same, as provided under Section 135(2)(c) of the Trade Marks Act, 1999 as it could adversely affect the Plaintiff's ability to recover the costs and pecuniary reliefs thereon;

d. Ex-parte or ad interim reliefs in terms of prayer clause (a), (b), and (c); and

e. Such other/further order which the Hon'ble Court deems fit and proper in the facts and circumstances of the case in favour of the Plaintiff and against the Defendant."

16. Issue notice.
17. Upon the plaintiff taking requisite steps within 10 days, let notice be sent to the defendant by all permissible modes, returnable for the next date before the learned Joint Registrar.
18. Let the notice indicate that reply to the application be filed within 30 days of service; rejoinder thereto, if any, be filed within 30 days thereafter; with copies to the opposing counsel.
19. In the opinion of this court, the plaintiff has made-out a *prima facie* case in its favour and against the defendant. Furthermore, considering the facts obtaining in the matter, the balance of convenience also lies



in favour of the plaintiff and irreparable harm and injury would result to the plaintiff if the interim relief sought is not granted.

20. Consequently, an *ex-parte ad-interim* injunction is issued in favour of the plaintiff and against the defendant *in terms of prayer (a) and (b)* contained in the application, till the next date of hearing.
21. Plaintiff is directed to comply with the provision of Order XXXIX Rule 3 CPC within 07 days.
22. List before the learned Joint Registrar for completion of pleadings in this application on 05th October 2026.
23. List before court after completion of pleadings in this application.

ANUP JAIRAM BHAMBHANI, J

JULY 8, 2026/hb