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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 754/2026**
GLAXOSMITHKLINE PHARMACEUTICALS LIMITED

.....Plaintiff

Through: Ms. Shwetasree Majumder, Ms. Tanya
Varma, Mr. Vardaan Anand and Ms.
Hansika Bajaj, Advocates.

versus

ORION BIOTECH PRIVATE LIMITED AND ORSDefendants

Through:

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

21.07.2026

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I.A. 18742/2026

By way of the present application filed under section 151 of the Code of Civil Procedure 1908 ('CPC'), the applicant/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.

3. The application stands disposed-of.

I.A. 18744/2026

4. By way of the present application filed under section 151 of the CPC, the applicant/plaintiff seeks extension of a period of 02 weeks to file clearer copies.

¹ (2024) 5 SCC 815

² 2022 SCC OnLine Del 3529



5. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.
6. Application stands disposed-of.

I.A. 18745/2026

7. By way of the present application filed under section 151 of the CPC, the applicant/plaintiff seeks leave to file documents in a sealed cover.
8. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.
9. Application stands disposed-of.

I.A. 18743/2026

10. By way of the present application filed under Order XI Rule 1(4) (as amended by the Commercial Courts Act, 2015) read with section 151 of the CPC, the applicant/plaintiff seeks leave to file additional documents within 30 days.
11. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.
12. The plaintiff is directed to file additional documents within 30 days.
13. Application stands disposed-of.

I.A. 18746/2026

14. By way of the present application filed under section 149 read with section 151 of the CPC, the plaintiff seeks extension of time by 01 week to file the requisite court fee receipt.
15. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed, subject to the plaintiff filing on record the requisite court fee receipt within 01 week.
16. Application stands disposed-of.



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17. The plaintiff seeks a decree of permanent, mandatory and dynamic injunctions restraining defendants from committing infringement of the plaintiff's trade mark, along with damages, rendition of accounts, disclosure, delivery-up, and other consequential and ancillary reliefs.
18. Upon a *prima-facie* conspectus of the matter, let the plaint be registered as a suit.
19. Issue summons in the suit.
20. Upon the plaintiff taking requisite steps within 10 days, let summons be sent to the defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
21. Let the summons indicate that the defendants are 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 defendants.
22. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 27th October 2026.
23. List before court thereafter.

I.A. 18741/2026

24. By way of the present application filed under Order XXXIX Rules 1 and 2 read with section 151 of the CPC, the plaintiff seeks the following reliefs in para 27 of the said application:



“a. An order of ad-interim injunction restraining the Defendants, their employees, servants, agents and all others in active concert with it from manufacturing, selling, offering for sale, advertising, directly or indirectly dealing in products under the impugned mark COBEX, and/ or any other mark which is deceptively similar to the Plaintiff’s trade mark COBADEX thereby amounting to infringement of trade mark;

b. An order of ad-interim injunction restraining the Defendants, their employees, servants, agents and all others in active concert with it from manufacturing, selling, offering for sale, advertising, directly or indirectly dealing in products under the impugned mark COBEX, and/or any other mark which is deceptively similar to the Plaintiff’s trade mark COBADEX, that would amount to passing off of the Defendants products as those of the Plaintiff;

c. An order directing the Defendants to take-down the product listings from all platforms including its own website, social media platforms, e-pharmacy websites and/or other third-party websites pertaining to products under the Impugned Mark COBEX;

d. Any other relief(s) as the nature and circumstances of the case may require.

25. Ms. Shwetasree Majumder, learned counsel appearing for the plaintiff submits, that defendant No.1 has filed for registration of the trade mark ‘COBEX’ in January 2026 claiming the use of that mark since 2010 (as set-out in para 26 of the plaint). Learned counsel submits that the said trade mark is deceptively similar to the plaintiff’s registered trademark ‘COBADEX’, which is a *multi-vitamin drug* launched by the plaintiff in India in 1974, over which the plaintiff holds a trademark since 1958.
26. Ms. Majumder submits, that defendants Nos.2 and 3 are the manufacturers of the drug; and the defendants’ formulation in relation to which they are seeking registration of the trademark ‘COBEX’ is an *antibiotic meant particularly for paediatric use.*



27. Counsel submits therefore, that not only is there imminent chance of confusion between the plaintiff's drug 'COBADEX' and the defendants' preparation 'COBEX' on account of similarity of the two trade marks, but the fact that one is a multi-vitamin and the other is an antibiotic meant for paediatric use, heightens the risk to the consumer.
28. Issue notice.
29. Upon the plaintiff taking steps within 10 days, let notice be sent to the defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
30. 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.
31. In the opinion of this court, the plaintiff has made-out a *prima facie* case in its favour and against the defendants. 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.
32. Accordingly, an *ex-parte ad-interim* injunction is issued in favour of the plaintiff and against the defendants *in terms of prayer 27(a) and 27(b)* as extracted above, till the next date of hearing.
33. Plaintiff is directed to comply with the provision of Order XXXIX Rule 3 CPC within 10 days.

ANUP JAIRAM BHAMBHANI, J

JULY 21, 2026/ak