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

CNR No. DLHC010381562026

+ **CS(COMM) 892/2026**

HIMALAYA GLOBAL HOLDINGS LTD. & ANR.Plaintiffs

Through: Mr. J. Sai Deepak, Sr. Advocate with
Mr. Vishal Nagpal, Mr. Debajyoti
Sarkar, Ms. Suhrita Majumdar, Ms.
Manya Jain and Ms. Purnima
Vasishtha, Advocates.

versus

HEALING PHARMA INDIA PRIVATE LIMITED & ORS.

.....Defendants

Through: Mr. Vibhuti Vasisth and Mr. Kiratraj
Sadana, Advocates for D-1.

CORAM:

HON'BLE MR. JUSTICE A. J. BHAMBHANI

ORDER

% **18.08.2026**

I.A. 22315/2026 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

I.A. 22313/2026 (exemption from pre-litigation mediation)

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 plaintiffs seek 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. Keerthi¹ and of a Division Bench of this court in ***Chandra Kishore Chaurasia vs. R A Perfumery Works (P) Ltd.***², the plaintiffs are exempted from attempting pre-litigation mediation.

3. The application stands disposed-of.

I.A. 22314/2026 (additional documents)

4. 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 plaintiffs seek leave to file additional documents.

5. For the reasons stated in the application, which is duly supported by affidavits, the application is allowed.

6. Let the additional documents be filed within 30 days.

7. The relevance and admissibility of the documents so filed will be considered subsequently.

8. The application stands disposed-of.

I.A. 22316/2026 (leave to serve interrogatories)

9. By way of the present application filed under XI Rule 2 (as amended by the Commercial Courts Act 2015) read with section 151 of the CPC the plaintiffs seek leave to serve interrogatories.

10. Issue notice.

11. Learned counsel appears on behalf of defendant No. 1 on advance copy; accepts notice; and seeks time to file reply to the present application.

¹ (2024) 5 SCC 815

² 2022 SCC OnLine Del 3529



12. Upon the plaintiffs taking steps, let notice be sent to the unserved defendants, by all permissible modes, returnable for the next date before the learned Joint Registrar.
13. Let replies to the application be filed within 30 days; rejoinder(s) thereto, if any, be filed within 30 days thereafter; with copies to the opposing counsel.
14. List before the learned Joint Registrar on 18th November 2026.
15. List before court after completion of pleadings in this application.

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16. Let the plaint be registered as a suit.
17. Issue summons in the suit.
18. Learned counsel appears on behalf of defendant No. 1 on advance copy; accepts summons; and seeks time to file written statement.
19. Upon the plaintiffs taking requisite steps, let summons be sent to the unserved defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
20. Let written statements to the plaint be filed within 30 days alongwith affidavit of admission/denial of the documents filed by the plaintiffs. The plaintiffs may file replications to the written statements within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by defendants.
21. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 18th November 2026.



I.A. 22312/2026 (u/O XXXIX Rules 1 and 2 CPC)

22. By way of the present application filed under Order XXXIX Rules 1 and 2 read with section 151 of the CPC, the plaintiffs seek the following interim reliefs:

41. In light of the circumstances highlighted above, the Plaintiffs therefore pray that this Hon'ble Court may be pleased to grant:

a) An order of temporary injunction restraining the Defendants, their directors, employees, officers, servants, agents, manufacturers, sellers, distributors, dealers, stockists and all others acting for and on their behalf from making, selling, distributing, advertising, exporting, offering for sale, and in any other manner, directly or indirectly in Impugned goods



(Confidance X) bearing the Impugned trade dress and/or any other goods or goods packaging formats including pouches, sachets, boxes, cartons and containers, bearing the Impugned trade dress and/or any other trade dress which is identical

and/or deceptively similar to the Plaintiffs' Himalaya trade dress associated with the Himalaya trademarks, depicted as





b) An order of temporary injunction restraining the Defendants, their directors, employees, officers, servants, agents, manufacturers, sellers, distributors, dealers, stockists and all others acting for and on their behalf from making, selling, distributing, advertising, exporting, offering for sale, and in any other manner, directly or indirectly, dealing in Impugned



(Pilefine),  (Confidance X) under the Impugned trade dress and/or any goods or goods packaging formats including pouches, sachets, boxes, cartons and containers, bearing the Impugned trade dress and/or any other trade dress/packaging which is a substantial reproduction and/or colourable imitation of the artistic work comprised in the Plaintiffs' Himalaya trade dress associated with the Himalaya

trademarks, depicted as   
    so as to result in infringement of Copyright of Plaintiff No.1 in the Himalaya trade dress:

- c) An order directing Defendant No.1 to file an affidavit, within a period of two weeks from service of notice of the present application, disclosing the following facts:
- Quantum of the Impugned goods under the Impugned trade dress in possession of Defendant No.1 as of July 2026 and the market value of the said stock in Indian Rupees.
 - Statement reflecting the earnings of Defendant No.1 in Indian Rupees from the sale of the Impugned goods under the Impugned trade dress from the date of first sale upto July 2026.



- d) An order directing Defendant No.2 to file an affidavit, within a period of two weeks from service of notice of the present application, disclosing the following facts:
- i. Quantum of the Impugned goods under the Impugned trade dress manufactured by Defendant No.2 from the date of first manufacture till July 2026 and the market value of the said stock in Indian Rupees.
 - ii. Quantum of the Impugned goods under the Impugned trade dress in possession of Defendant No.2 as of July 2026 and the market value of the said stock in Indian Rupees.
 - iii. Statement reflecting the earnings of Defendant No.2 in Indian Rupees from the manufacture of the Impugned goods under the Impugned trade dress from the date of first manufacture upto July 2026.
- e) An order directing Defendant No.3 to file an affidavit, within a period of two weeks from service of notice of the present application, disclosing the following facts:
- i. Quantum of the Impugned goods under the Impugned trade dress sold by Defendant No.3 from the date of first sale till July 2026 and the market value of the said stock in Indian Rupees.
 - ii. Quantum of the Impugned goods under the Impugned trade dress in possession of Defendant No.3 as of July 2026 and the market value of the said stock in Indian Rupees.

- iii. Statement reflecting the earnings of Defendant No.3 in Indian Rupees from the sale of the Impugned goods under the Impugned trade dress from the date of first sale upto July 2026.
- f) An order granting the reliefs under Paragraphs 41(a), 41(b), 41(c), 41(d) and 41(e) above as ad interim, ex parte, pending the hearing and disposal of the present application;
- g) Any further relief(s) in favour of the Plaintiffs and against the Defendants that this Hon'ble Court may deem appropriate in view of the facts and circumstances of the present case and in the interests of justice.



23. Mr. J. Sai Deepak learned senior counsel appearing for the plaintiffs submits that the defendants have adopted the impugned trade dress by slavishly copying the artistic work comprised in the plaintiffs prior adopted and extensively used trade dress “HIMALAYA”. Mr. Sai Deepak has further drawn attention to the table set-out in para 23 of the application, to point-out how the defendants have blatantly copied the plaintiffs’ trade dress.
24. Issue notice.
25. Learned counsel appears on behalf of defendant No. 1 on advance copy; accept notice; and seeks time to file reply.
26. Upon the plaintiffs taking requisite steps, let notice be sent to the unserved defendants by all permissible modes, returnable for the next date.
27. Let replies to the application be filed within 30 days; rejoinder(s) thereto, if any, be filed within 30 days thereafter; with copies to the opposing counsel.
28. List before the learned Joint Registrar for completion of pleadings in this application on 18th November 2026.
29. List before court after completion of pleadings in this application.
30. Beyond what has been submitted by learned senior counsel for the plaintiffs, this court is of the *prima-facie* view that the name, packaging, and colour combination of the defendants’ products correspond so closely to the plaintiffs’ products that an ordinary person, of average intelligence, and imperfect recollection is likely to be mislead into confusing one product for the other.



31. Based on a preliminary appreciation of the matter, this court is of the view that the plaintiffs have succeeded in making-out a *prima-facie* case in its favour; that the balance of convenience also lies in favour of the plaintiffs and against the defendants; and it would appear that irreparable loss and injury would be caused to the plaintiffs if the interim injunction as prayed-for is not granted.
32. Accordingly, an *ad-interim* order of injunction is passed in favour of the plaintiffs and against the defendants in terms of *prayer 41 (a), (b), (c), (d) and (e)* as extracted above, till the next date of hearing.
33. Plaintiffs are directed to comply with the provision of Order XXXIX Rule 3 CPC within 02 weeks.
34. In the course of hearing learned counsel who has appeared on behalf of defendant No.1 submits, that as of 10.11.2025, they have discontinued their product “Liverheal 52” and are now marketing in the name and style of “Liverheal”. The statement is taken on record.
35. At this stage, learned counsel appearing for defendant No.1 submits that they are willing to discuss an amicable settlement through mediation.
36. Mr. Sai Deepak, learned senior counsel appearing for the plaintiffs, concurs in the submission.
37. Accordingly, parties are referred to mediation before the Delhi High Court Mediation & Conciliation Centre, with a request to the learned Organizing Secretary to appoint an appropriate mediator in the matter.
38. Let the parties approach the Mediation Centre on Monday, *i.e.*, 24th August 2026 at 02:30 p.m. for the above purpose.



39. A copy of this order be sent to the learned Organizing Secretary of the Mediation Centre, for information and compliance.
40. The mediation shall be time bound, to be concluded within 03 weeks.
41. Awaiting the outcome of mediation, list on 30th September 2026.

A. J. BHAMBHANI, J

AUGUST 18, 2026/hb