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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010356652026
+ **CS(COMM) 845/2026**
SUN PHARMA LABORATORIES LTD & ANR.Plaintiffs
Through: Mr. Saif K. and Ms. Diya V., Advs.
versus
M/S. WEAR AND GLOW & ORS.Defendants
Through:

CORAM:
HON'BLE MR. JUSTICE A. J. BHAMBHANI

ORDER

% **10.08.2026**

I.A. 21011/2026 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

I.A. 21013/2026 (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. Keerthi*¹ 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.

¹ (2024) 5 SCC 815

² 2022 SCC OnLine Del 3529



3. The application stands disposed-of.

I.A. 21012/2026 (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. 21015/2026

9. By way of the present application filed under Order XI (as amended by the Commercial Courts Act, 2015) read with section 151 of the CPC, the plaintiffs seek a direction to defendants Nos. 1 to 13 to disclose on affidavit all the details mentioned in para 6 of the application.
10. Issue notice.
11. Upon the plaintiffs taking requisite steps, let notice be sent to the defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
12. Let reply be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copies to the opposing counsel.
13. List before the learned Joint Registrar for completion of pleadings in this application on 17th November 2026.



14. List before court thereafter.

I.A. 21014/2026

15. By way of the present application filed under Order XI (as amended by the commercial courts act 2015) read with section 151 of the CPC, the plaintiffs *inter-alia* seek a direction to defendant No. 14 to disclose on affidavit all the details mentioned in para 6 of the application.
16. Issue notice.
17. Upon the plaintiffs taking requisite steps, let notice be sent to the defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
18. Let reply be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copies to the opposing counsel.
19. List before the learned Joint Registrar for completion of pleadings in this application on 17th November 2026.
20. List before court thereafter.

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21. Let the plaint be registered as a suit.
22. Issue summons in the suit.
23. Upon the plaintiffs taking requisite steps, let summons be sent to the defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
24. 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 plaintiffs. The plaintiffs may file replication to the written statement within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by defendants.

25. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 17th November 2026.

26. List before court thereafter.

I.A. 21010/2026

27. 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:

34. Considering the foregoing, the Plaintiffs most humbly pray that this Hon'ble Court may be pleased to pass the following *ex-parte* ad interim injunctions:

- i. An *ex-parte* ad interim order restraining the Defendant Nos. 1 to 14 and 15 (John Doe) by themselves, their proprietor, promoters, partners, directors, affiliates, associate/s, sister/group companies, employees, manufacturers, servants, agents, distributors stockists, super-stockiest, e-commerce and warehouse aggregators, distributors, purchasers, dealers, franchisees, licensees, wholesalers, retailers, custodians, importers, exporters, predecessors, successors, assignees, transferees and all those persons claiming through and/or under them or acting for or on their behalf or connected with them in their business from using the Plaintiffs' trademarks PHOTOSTABLE, BELLO, well-known house mark SUN/SUN PHARMA/



SUN PHARMACEUTICAL/ PHARMA or any other mark identical or deceptively similar to the said trademarks, in any manner whatsoever, amounting



to infringe of registered trademarks of the Plaintiff;

- ii. An *ex-parte* ad interim order restraining Defendant Nos. 1 to 14 and 15 (John Doe) by themselves, their proprietor, promoters, partners, directors, affiliates, associate/s, sister/group companies, employees, manufacturers, servants, agents, distributors stockists, super-stockiest, e-commerce and warehouse aggregators, distributors, purchasers, dealers, franchisees, licensees, wholesalers, retailers, custodians, importers, exporters, predecessors, successors, assignees, transferees and all those persons claiming through and/or under them or acting for or on their behalf or connected with them in their business from reproducing in any manner, the Plaintiffs' original artistic works /trade dress/ packaging/label, in any manner, leading to infringement of the Plaintiffs' copyright in the PHOTOSTABLE GOLD and BELLO PHOTOSTABLE products.
- iii. An *ex-parte* ad interim order restraining Defendant Nos. 1 to 14 and 15 (John Doe) by themselves, their proprietor, promoters, partners, directors, affiliates, associate/s, sister/group companies, employees, manufacturers, servants, agents, distributors stockists, super-stockiest, e-commerce and warehouse aggregators, distributors, purchasers, dealers, franchisees, licensees, wholesalers, retailers, custodians, importers, exporters,

predecessors, successors, assignees, transferees and all those persons claiming through and/or under them or acting for or on their behalf or connected with them in their business from using the Plaintiffs' marks BELLO, PHOTOSTABLE and/or PHOTOSTABLE GOLD, its well-known house mark SUN/SUN PHARMA/ SUN



PHARMACEUTICAL/ PHARMA or from reproducing the Plaintiffs' original artistic works/ trade dress/ packaging/ labels, or any mark, packaging, or overall get-up identical or deceptively similar thereto, in any manner whatsoever, amounting to passing off.



- iv. An *ex-parte* ad interim order restraining Defendant Nos. 1 to 15 (John Doe) by themselves, their proprietor, promoters, partners, directors, affiliates, associate/s, sister/group companies, employees, manufacturers, servants, agents, distributors stockists, super-stockiest, e-commerce and warehouse aggregators, distributors, purchasers, dealers, franchisees, licensees, wholesalers, retailers, custodians, importers, exporters, predecessors, successors, assignees, transferees and all those persons claiming through and/or under them or acting for or on their behalf or connected with them in their business from using the Plaintiffs' trademarks PHOTOTABLE, BELLO, its well-

known house mark SUN/SUN PHARMA/ SUN



PHARMACEUTICAL/ PHARMA and/or any other mark which is identical or deceptively similar to the marks of the Plaintiffs or doing any act leading to unfair competition, tarnishment and dilution of the Plaintiffs' trademarks PHOTOSTABLE, BELLO or its well-known house mark;

- v. An *ex-parte* ad interim order injunction against Defendant No. 14, directing them to forthwith remove and permanently disable access to the infringing listings of Defendant No. 1 to 13 bearing the Plaintiffs' marks and original artistic works/ trade dress/ packaging/ labels provided in Document 1 annexed with the Complaint from their platform.
- vi. An *ex-parte* ad interim order injunction against Defendant No. 14, directing them to disable/take down any further infringing listings of Defendant Nos. 1-13 bearing the Plaintiffs' marks or its original artistic works/ trade dress/ packaging/ labels, and/or any other mark or artistic work identical or substantially/deceptively similar to the Plaintiffs' marks and its original artistic works/ trade dress/ packaging/ labels including any mirror listings that may resurface upon notification by the Plaintiffs and to ensure that no fresh listings of the Plaintiffs' products are permitted from unauthorised sellers without undertaking appropriate verification,



including robust e-KYC and such due diligence measures as are required under applicable law, so as to encourage sale of genuine products and prevent the continued sale of counterfeit products through its platform.

- vii. Any other orders this Hon'ble Court may deem fit and proper under the facts and circumstances of the case may also be passed in favour of the Plaintiff and against the Defendants.

28. Learned counsel appearing on behalf of the plaintiffs submits that plaintiffs are the registered proprietor of the trade marks 'BELLO' and 'PHOTOSTABLE' and word mark 'Sun'/'SUN PHARMA'/'SUN PHARMACEUTICAL'. Counsel submits that the trade mark 'PHOTOSTABLE' includes 02 distinct sub-ranges *i.e.*, 'BELLO PHOTOSTABLE' and 'PHOTOSTABLE GOLD' in relation to dermatological and skincare products in India.
29. Counsel has drawn attention to the tables set-out in paras 31 to 56 of the plaint to point-out that defendants Nos. 1 to 13 have blatantly copied the plaintiffs' trade marks; and are engaged in the sale and supply of identical counterfeit products bearing the plaintiffs' mark 'BELLO PHOTOSTABLE' and 'PHOTOSTABLE GOLD'.
30. Issue notice.
31. Upon the plaintiffs taking steps, let notice be sent to the defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.



32. 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.
33. List before the learned Joint Registrar for completion of pleadings in this application on 17th November 2026.
34. List before court after completion of pleadings in this application.
35. 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.
36. Accordingly, an *ad-interim* order of injunction is passed in favour of the plaintiffs and against the defendants Nos. 1 to 15 in terms of *prayer 34 (i), (ii), (iii), (iv), (v) and (vi)* as extracted above, till the next date of hearing.
37. Plaintiff is directed to comply with the provision of Order XXXIX Rule 3 CPC within 03 weeks.
38. More specifically defendant No. 14 is directed to take down and delete from its platform all URLs as set-out in Document 1 appended to the plaint *and* any other URLs that the plaintiffs may, on affidavit, bring to the notice of defendant No.14 relating to 'BELLO PHOTOSTABLE' and 'PHOTOSTABLE GOLD'.
39. It is recorded that the direction to defendant No.14 to remove any *other* URLs relating to the aforesaid products is being made on the specific statement made by learned counsel for the plaintiffs that the



plaintiff's products "BELLO PHOTOSTABLE" and
"PHOTOSTABLE GOLD" are not available on defendant No.14's
platform *at all*.

A. J. BHAMBHANI, J

AUGUST 10, 2026/hb