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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-11-2026

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THE HON'BLE MR.JUSTICE P.B. BALAJI

OA Nos. 1249, 1250 & 1251 of 2026
in
C.S(COMM DIV) NO. 309 OF 2026

Apex Laboratories Pvt Ltd
3rd Floor, SIDCO Garment Complex, Guindy,
Chennai

..Applicant(s)

Vs

1. Med Manor Organics and another
   D, No 16-11-477/45, Dilsukh Nagar,
   Hyderabad, Telangana-500036
2. DM Pharma Private Limitted
   Village Bhud, NH21A, Baddi, Dist. Solan,
   Himachal Pradesh-173205

..Respondent(s)

OA No. 1251 of 2026

Apex Laboratories Pvt Ltd
3rd Floor, SIDCO Garment Complex, Guindy,
Chennai

..Applicant(s)

Vs

1. Med Manor Organics and another
   D, No 16-11-477/45, Dilsukh Nagar,
   Hyderabad, Telangana-500036
2. DM Pharma Private Limitted
   Village Bhud, NH21A, Baddi, Dist. Solan,
   Himachal Pradesh-173205

..Respondent(s)

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OA No. 1250 of 2026

Apex Laboratories Pvt Ltd
3rd Floor, SIDCO Garment Complex, Guindy,
Chennai

..Applicant(s)

Vs

1. Med Manor Organics and another
   D, No 16-11-477/45, Dilsukh Nagar,
   Hyderabad, Telangana-500036
2. DM Pharma Private Limitted
   Village Bhud, NH21A, Baddi, Dist. Solan,
   Himachal Pradesh-173205

..Respondent(s)

OA No. 1249 of 2026

To grant temporary injunction restraining the Respondents/Defendants by itself, its partners, men, servants, agents, distributors, stockiest, representatives or anyone claiming through or under them from in any manner infringing the applicants registered trademarks ZINCOVIT Under No.487453 in Class 5 using a deceptively similar to the applicants registered trademark or in any other manner whatsoever, pending disposal of the suit.

OA No. 1251 of 2026

To grant temporary injunction restraining the Respondents/Defendants by itself, its partners, men, servants, agents, distributors, stockiest, representatives or anyone claiming through or under them from in any manner committing acts of copyright infringement by using in the course of trade, labels/artistic works which are a substantial reproduction of applicants registered copyright under No.A 115854/2017 in color scheme, get up and layout for their ZINCOMED for any tablets, syrup, drops etc, or in any other manner whatsoever, pending disposal of the suit.

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OA No. 1250 of 2026

To grant temporary injunction restraining the Respondents/Defendants by itself, its partners, men, servants, agents, distributors, stockiest, representatives or anyone claiming through or under them from in any manner passing off and/or enabling others to pass off the Respondent Product under the trademark ZINCOMED as and for the applications products by manufacturing, selling or offering to sell, distributing, displaying, printing, stocking, using advertising their products with a trademark and/or label or artistic work that is identical in colour scheme, get up and layot with that of the Applicants ZINCOVIT trademarks or artistic work or in any other manner whatsoever, pending disposal of the suit.

For Applicant(s): M/S.R.Sathish Kumar

COMMON ORDER

Heard Mr.R.Sathish Kumar, learned counsel for t he applicant/plaintiff.

2.The suit has been filed for infringement of trademark, copy right and passing off.

3.Pending suit, the present original applications in O.A.Nos.1249, 1250 & 1251 of 2026 have been filed for the following reliefs:

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1.To grant temporary injunction restraining the Respondents/Defendants by itself, its partners, men, servants, agents, distributors, stockiest, representatives or anyone claiming through or under them from in any manner infringing the applicants registered trademarks ZINCOVIT Under No.487453 in Class 5 using a deceptively similar to the applicants registered trademark or in any other manner whatsoever, pending disposal of the suit. (OA No. 1249 of 2026).

2.To grant temporary injunction restraining the Respondents/Defendants by itself, its partners, men, servants, agents, distributors, stockiest, representatives or anyone claiming through or under them from in any manner committing acts of copyright infringement by using in the course of trade, labels/artistic works which are a substantial reproduction of applicants registered copyright under No.A 115854/2017 in colour scheme, get up and layout for their ZINCOMED for any tablets, syrup, drops, etc., or in any other manner whatsoever, pending disposal of the suit. (OA No. 1251 of 2026).

3.To grant temporary injunction restraining the Respondents/Defendants by itself, its partners, men, servants, agents, distributors, stockiest, representatives or anyone claiming through or under them from in any manner passing off and/or enabling others to pass off the Respondent Product under the trademark ZINCOMED as and for the applications products by manufacturing, selling or offering to sell, distributing, displaying, printing, stocking, using advertising their products with a trademark and/or label or artistic work that is

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identical in colour scheme, get up and layout with that of the Applicants ZINCOVIT trademarks or artistic work or in any other manner whatsoever, pending disposal of the suit. (OA No. 1250 of 2026).

4.The learned counsel for the applicant/plaintiff brings to my notice that the applicant has been a leader in the Pharmaceutical industry and having been incorporated in 1978 and has registered the trademark “ZINCOVIT” in 1988 as well and started use of the same in 1990. He also brings to my notice the relevant suit documents in this regard and also points out that the sales turnover for the last financial year which is more than Rs.320 crores for just the product “ZINCOVIT”. He would further state that the respondents/defendants are imitating the trademark of the applicant/plaintiff and selling the same under the name and style of “ZINCOMED”.

5.The learned counsel for the applicant also draws my attention to the comparison of the plaintiff’s and defendants’ markets which evident to the eye that there is a likelihood of confusion being caused on the general public. Prima facie, I am able to see that a similar style of carton has been copied and the font style has also been copied by the respondents/defendants. He also brings to my notice that though the respondents have filed an application for registration of “ZINCOMED”, claiming only propose to use. Therefore, I am satisfied that the applicant is the prior user of “ZINCOVIT” and having registered the same in

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the year 1988. The applicant has made out a prima facie case. Irreparable loss and hardships would be caused to the applicant, if the respondents are restrained from infringing the trademark or copyright belong to the applicant and also passing off the goods of the respondents, as if it was the goods of the applicant. Since it is not only a question of monetary loss, but also the question of goodwill and reputation that the applicant is built over the decades.

6.Further, though the suit has been filed as a commercial suit, the applicant has stated that he has come to know about the infringement action of the respondents only in August 2026 and immediately thereupon, the suit has filed along with the urgent reliefs that have been sought for in these applications. In view of the above, I am prima facie satisfied that the applicant has made out a case for the grant of urgent interim reliefs and dispensing with mandatory pre-institution mediation, as contemplated under Section 12A of the Commercial Courts Act, 2015. In view of the above, there shall be an order of interim injunction as prayed for in these original applications.

7.The applicant/plaintiff is directed to comply with the provisions under Order XXXIX Rule 3(a) of C.P.C and file necessary affidavit in the Court regarding compliance.

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8.Issue notice to the respondents through Court as well as privately, returnable by 08.01.2027.

9.Post the matter on 08.01.2027.

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P.B.BALAJI J.

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OA No. 1249 of 2026
AND
C.S(COMM DIV) NO. 309 OF 2026, OA NO. 1251 OF 2026,OA NO. 1250 OF 2026

13-11-2026
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