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

CNR No. DLHC010437412026

+ **CS(COMM) 1011/2026**

MANKIND PHARMA LIMITED

.....Plaintiff

Through: Mr. Chander M. Lall, Senior Advocate with Mr. Ankur Sangal, Mr. Prateush Sharma, Mr. Ankit Arvind, Mr. Shaurya Pandey, Ms. Saumya Bajpai, Ms. Annanya Mehan and Mr. Swastik Sant, Advocates.

versus

COSKIND PHARMA PRIVATE LIMITED

.....Defendant

Through:

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **16.09.2026**

I.A. 25308/2026 (Exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

I.A.25306/2026 (for pre-institution mediation)

3. This application is filed on behalf of the Plaintiff under Section 12-A of the Commercial Courts Act, 2015 read with Section 151 CPC seeking exemption from Pre-Institution Mediation.

4. Having regard to the facts of the present case wherein urgent relief is prayed for and in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Keerthi*, (2024) 5 SCC 815; as also Division Bench of

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this Court in *Chandra Kishore Chaurasia v. RA Perfumery Works Private Ltd., 2022 SCC OnLine Del 3529*, exemption is granted to the Plaintiff from Pre-Institution Mediation.

5. Application is allowed and disposed of.

I.A. 25307/2026 (u/O XI Rule 1 (4) r/w Section 151 CPC)

6. This application is filed on behalf of the Plaintiff seeking to place on record additional documents within 30 days.

7. Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly in accordance with provisions of the Commercial Courts Act, 2015.

8. Application is allowed and disposed of.

I.A.25309/2026 (u/S 151 CPC)

9. This application is filed on behalf of Plaintiff seeking exemption from effecting advance service on the Defendant.

10. For the reasons stated in the application, the same is allowed, exempting Plaintiff from effecting advance service on the Defendant.

11. Application stands disposed of.

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12. Let plaint be registered as a suit.

13. Upon filing of process fee, issue summons to the Defendant through all permissible modes, returnable before the learned Joint Registrar on 08.10.2026.

14. Summons shall state that the written statement shall be filed by Defendant within 30 days from the receipt of summons along with affidavit of admission/denial of the documents filed by the Plaintiff.

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15. It will be open to the Plaintiff to file replication within 30 days from the date of receipt of written statement along with affidavit of admission/denial of documents filed by the Defendant.

16. If any of the parties wish to seek inspection of any documents, the same be sought and given within the timeline prescribed in Delhi High Court (Original Side) Rules, 2018.

17. Learned Joint Registrar will carry out admission/denial of documents and marking of exhibits.

I.A.25304/2026 (w/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

18. This application is filed on behalf of the Plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 CPC for grant of *ex parte* ad interim injunction.

19. Issue notice to the Defendant through all permissible modes, returnable before Court on 21.01.2027.

20. Case of the Plaintiff as set out in the plaint is that Plaintiff is engaged in the business of medicinal and pharmaceutical goods. Founded in 1986, Plaintiff commenced its business under the name 'Mankind Pharma' and was incorporated as 'Mankind Pharma Limited' in the year 1991. Plaintiff is the fourth largest pharmaceutical company of India engaged in manufacturing and supplying medicinal, pharmaceutical, consumer healthcare and wellness products in India and globally and is the number one prescription drug company in India by volumes, with sales turnover of approximately Rs. 10,421 crores in FY 2025-26 alone. Plaintiff has an employee base of approximately 23,000 employees spread over 46 destinations worldwide and operates in and around 34 countries. Its products span from specialised pharmaceuticals, including antibiotics, antifungals,

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gastrointestinal medications, probiotics, NSAIDs, anthelmintics and cardiovascular and dermal treatments, to popular over-the-counter (OTC) drugs, Fast-Moving Consumer Goods (FMCG) and diagnostic kits. Since 2007, Plaintiff has also been carrying on business of consumer wellness/consumer healthcare in India. Plaintiff adopted the trademark/trade name 'MANKIND' in 1986 and has secured registrations in various classes as follows:-

S. No.	Trade Mark	Reg. No.	Class & Description	Date of Reg.
1.	MANKIND	1279762	3- Bleaching Preparations and Other Substances for Laundry Use, Cleaning Polishing, Scouring and Abrasive Preparations; Soaps, Perfumery, Essential Oils, Cosmetics and Hair Lotions, Dentifrices	21/04/2004
2.	MANKIND	5645154	5 - Medicinal, Pharmaceutical and Veterinary preparations including dietary, nutritional and vitamin food supplements	13/10/2022
3.	Mankind	657871	5 - Medicinal and pharmaceutical preparation for human use included in Class 5.	07/03/1995
4.		2468879	5 - Medicinal, pharmaceutical and veterinary preparations	30/01/2013

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5.		2510537	5 - Medicinal, pharmaceutical and veterinary preparations	09/04/2013
6.		2510592	5 - Medicinal, pharmaceutical and veterinary preparations	09/04/2013
7.		4836045	5 - Medicinal, Pharmaceutical and Veterinary preparations including dietary, nutritional and vitamin food supplements	27/01/2021
8.		2061279	35 - Advertising, liasioning import, export, distribution, marketing, wholesale and retail services relating to pharmaceutical, medicinal and vererinary preparations; condoms, sanitary napkins, toothbrush and sweetners; included in class-35	30/11/2010
9.		2510565	35 - Advertising, liasioning, import, export, distribution, marketing, wholesale and retail services relating to pharmaceutical, medicinal and veterinary preparations; wholesale and retail services relating to	09/04/2013

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			surgical, medical, diagnostic and dental apparatus and instruments	
10.	MANKIND	2245094	44 - Medical services, nursing homes, hospitals, medical assistance, pharmacy advice and telemedicine services; veterinary services hygienic and beauty care for human beings or animals; included in class 44.	07/12/2011
11.		2510558	44 - Medical and health care services; Medical diagnosis and treatment; Hospital and Nursing Home Services; pharmacy advice	09/04/2013

21. It is stated that said registrations are valid and subsisting. Plaintiff has registrations in MANKIND and other formative trademarks in several countries such as Malaysia, Indonesia, Canada, Cuba, Australia etc. Products and services under the trademark MANKIND have acquired tremendous goodwill and reputation globally and in India and the trademark has been included in the list of well-known trademarks by the Registrar of Trade Marks at serial No. 117. Plaintiff has, since its inception, strategically incorporated 'KIND' as a prefix/suffix across its product portfolio to establish a distinct brand identity and market recognition. Illustratively, list of Plaintiff's trademark registrations for the trademark 'KIND' and its

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formative trademarks in Classes 05, 35 and 44 is as follows:-

S. No.	Reg. No.	Trade Mark	Date of Reg.	Class & Description
1	2457970	KIND	10/01/2013	5 - Medicinal, pharmaceutical and veterinary preparations
2	2458007	KIND	10/01/2013	35 - Advertising, liasoning, import, export, distribution, marketing, wholesale and retail services relating to pharmaceutical, medicinal and veterinary preparations; wholesale and retail services relating to surgical, medical, diagnostic and dental apparatus and instruments
3	2458013	KIND	10/01/2013	44 - Medical and pharmaceutical research, design and development services; pharmaceutical drug development services for third parties; pharmaceutical services, namely conducting and monitoring clinical trials and drug development; testing services in the field of drug compatibility; consultancy services in the field of medical and pharmaceutical

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				research, medical treatment and pharmacy advice; clinical services; medical services for diagnosis and treatment of the human body; medical research
4	1248997	FLOKIND	12/11/2003	5 - Pharmaceutical and medicinal preparations, included in Class 5
5	1554350	FLORA	30/04/2007	5 - Pharmaceutical and medicinal preparations, included in Class 5
6	1192873	CEFAKIND	21/04/2003	5 - Pharmaceutical and medicinal preparations, included in Class 5
7	1179121	NUROKIND	28/02/2003	5 - Pharmaceutical and medicinal preparations, included in Class 5
8	1091518	GLYKIND	02/04/2002	5 - Pharmaceutical and medicinal preparations
9	1091520	AMLOKIND	02/04/2002	5 - Pharmaceutical and medicinal preparations
10	1091524	LIPKIND	02/04/2002	5 - Pharmaceutical and medicinal preparations
11	1126977	URIKIND	19/08/2002	5 - Pharmaceutical and medicinal

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				preparations, included in Class 5
12	1177228	THERMOKIND	21/02/2003	5 - Pharmaceutical and medicinal preparations, included in Class 5
13	1186848	TEXAKIND	28/03/2003	5 - Pharmaceutical and medicinal preparations, included in Class 5
14	1237543	VOMIKIND	17/09/2003	5 - Pharmaceutical and medicinal preparations, included in Class 5
15	1248980	CIPROKIND	12/11/2003	5 - Pharmaceutical and medicinal preparations, included in Class 5
16	1248982	DOLOKIND	12/11/2003	5 - Pharmaceutical and medicinal preparations, included in Class 5
17	1248996	ZENKIND	12/11/2003	5 - Pharmaceutical and medicinal preparations, included in Class 5
18	1249462	RABEKIND	13/11/2003	5 - Pharmaceutical and medicinal preparations, included in Class 5
19	1262687	HERPIKIND	22/01/2004	5 - Pharmaceutical and medicinal preparations, included in Class 5
20	1297735	MOXIKIND	22/07/2004	5 - Pharmaceutical and medicinal

				preparations, included in Class 5
21	1315947	ASTHAKIND	18/10/2004	5 - Pharmaceutical and medicinal preparations, included in Class 5
22	1331176	LOSAKIND	11/01/2005	5 - Pharmaceutical and medicinal preparations, included in Class 5
23	1412438	ELECTROKIND	09/01/2006	5 - Pharmaceutical and medicinal preparations, included in Class 5
24	1422932	DIZIKIND	20/02/2006	5 - Pharmaceutical and medicinal preparations, included in Class 5
25	1446143	TELMIKIND	13/04/2006	5 - Pharmaceutical and medicinal preparations, included in Class 5
26	1457185	PANTAKIND	26/05/2006	5 - Pharmaceutical and medicinal preparations, included in Class 5
27	1459373	FERIKIND	30/05/2006	5 - Pharmaceutical and medicinal preparations
28	1554049	PARAKIND	30/04/2007	5 - Pharmaceutical and medicinal preparations, included in Class 5
29	1578946	CALDIKIND	16/07/2007	5 - Pharmaceutical and medicinal

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				preparations, included in Class 5
30	1580968	MEFKIND	20/07/2007	5 - Pharmaceutical and medicinal preparations, included in Class 5
31	1588776	VITAKIND	09/08/2007	5 - Pharmaceutical and medicinal preparations, included in Class 5
32	780841	HEPAKIND	04/12/1997	5 - Medicines
33	5157447	ALBUKIND	01/10/2021	5 - Medicinal, pharmaceutical and veterinary preparations including dietary, nutritional and vitamin food supplements
34	1248986	COXKIND	12/11/2003	5 pharmaceutical and medicinal preparations included in class 5.

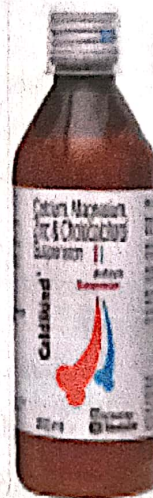
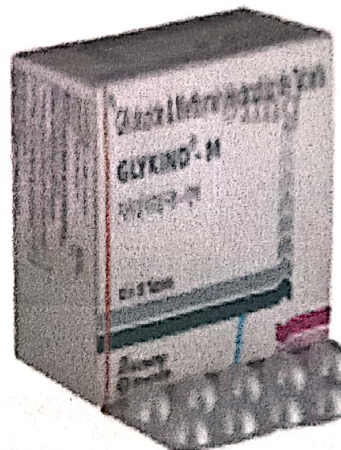
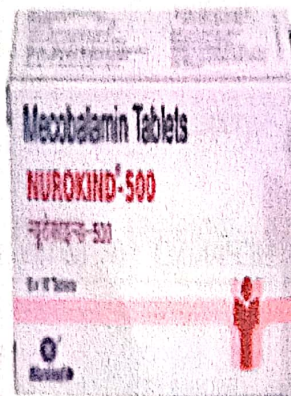
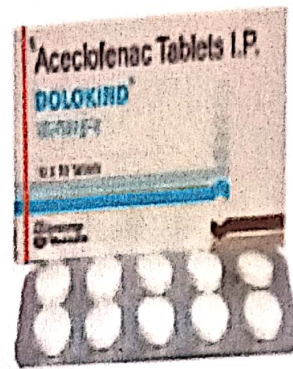
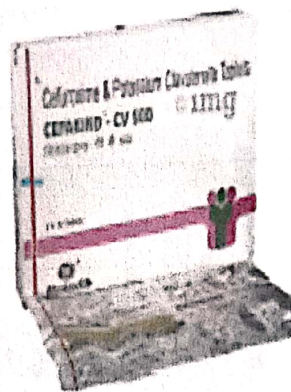
22. It is stated that the trademark KIND has become a core component of Plaintiff's branding strategy and products under the KIND formative trademarks are available throughout India in standalone medical shops and pharmacy chains such as Apollo Pharmacy, Life Bridge Pharmacy, EasyMeds Pharmacy and Bharat Medical Store. Photographs of some of Plaintiff's products bearing the KIND marks are as follows:-

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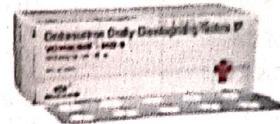
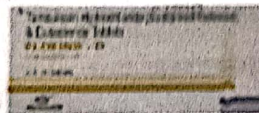
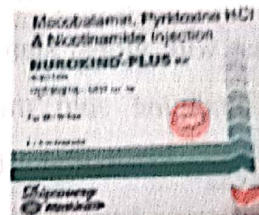
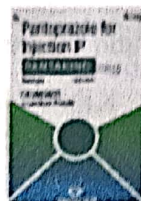
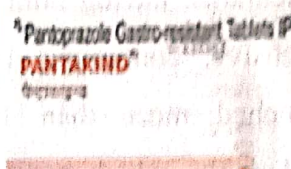
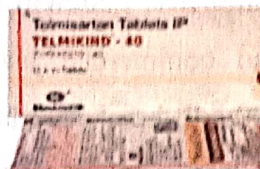




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23. It is stated that Plaintiff runs and maintains a dedicated website www.mankindpharma.com, registered on 21.06.1995, which is accessible to customers worldwide and provides information about Plaintiff's business

and products. Plaintiff has established a network of subsidiaries and entities/divisions with MANKIND/KIND as part of their trade name such as DISCOVERY MANKIND, LIFE MANKIND, SPECIAL MANKIND, FUTURE MANKIND, VET MANKIND, CARE MANKIND, PET MANKIND, MANKIND PRIME and KINDCARE FOUNDATION, which are widely recognised as part of Plaintiff's group.

24. It is stated that apart from statutory rights, Plaintiff possesses common law rights in the trademarks MANKIND, KIND and KIND formative trademarks, having built immense goodwill and reputation owing to their extensive, continuous and commercial use. Since 1986, Plaintiff has launched more than 100 different products under KIND formative trademarks, which are available throughout India and across the globe and has invested considerable time, effort and money in keeping these products abreast with global standards and in creating a brand strategy, whereunder any medicine sold under a KIND formative trademark resonates as emanating from Plaintiff's family of KIND marks. Plaintiff's formidable reputation and goodwill is reflected from its annual sales turnover, details of which are as follows:-

Year	Sales Turnover in INR (in Crores)
2011-12	1650.57
2012-13	1971.77
2013-14	2288.59
2014-15	2693.27
2015-16	3149.51
2016-17	3525.91
2017-18	3923.49
2018-19	3877.49
2019-20	4794.41
2020-21	5529.60
2021-22	7257.04
2022-23	8127.15
2023-24	9264.81
2024-25	9497.80
2025-26	10421.18

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25. It is stated that the annual turnover for top 25 products of Plaintiff under the KIND formative trademarks was Rs. 3,22,072.70 lakhs for Financial Year 2025-26 alone. Turnover for different products is as follows:-

TOP 25 "KIND" PRODUCTS	AMOUNT IN INR (IN LAKHS) FOR F.Y. 2025-26
TELMIKIND	76765.13
NUROKIND	61364.95
AMLOKIND	34076.36
MOXIKIND	26616.60
ASTHAKIND	21457.74
CEFAKIND	15582.36
PANTAKIND	11830.31
VOMIKIND	9726.76
LIPIKIND	9227.18
CALDIKIND	8750.05
RABEKIND	7117.35
DOLOKIND	5328.57
URIKIND	4876.77
HEPAKIND	4658.06
GLYKIND	4603.06
THERMOKIND	4021.40
TEXAKIND	4019.86
MEFKIND	3304.37
HERPIKIND	3309.12
FLOKIND	2190.83
LOSAKIND	2147.93
BETAKIND	554.45
HISTAKIND	501.09
FERIKIND	22.24
VITAKIND	20.20
TOTAL	322072.70

26. It is stated that Plaintiff has invested substantial time, effort and money in promoting its products under the trademark MANKIND and in creating a family of KIND formative trademarks through newspapers,

magazines and campaigns all over the country as also through advertisements and endorsements by celebrities *inter alia* including Mr. Amitabh Bachchan, Late Mr. Rishi Kapoor, Ms. Shilpa Shetty and Ms. Kareena Kapoor. Furthermore, Plaintiff is the recipient of several awards and recognitions, which can be seen from the documents filed with the plaint. Details of Plaintiff's advertisement and promotional expenditure are as follows:-

Year	Advertisement and Promotional Expenditure in INR (In Crores)
2005-06	25.67
2006-07	30.91
2007-08	58.99
2008-09	77.93
2009-10	99.67
2010-11	153.54
2011-12	203.12
2012-13	155.37
2013-14	166.83
2014-15	223.98
2015-16	305.57
2016-17	335.82
2017-18	311.22
2018-19	337.39
2019-20	208.08

2020-21	305.14
2021-22	441.37
2022-23	385.84
2023-24	563.70
2024-25	487.33
2025-26	508.31

27. It is stated that Plaintiff has been vigilant in protecting its statutory and common law rights in the trademarks MANKIND, KIND and KIND

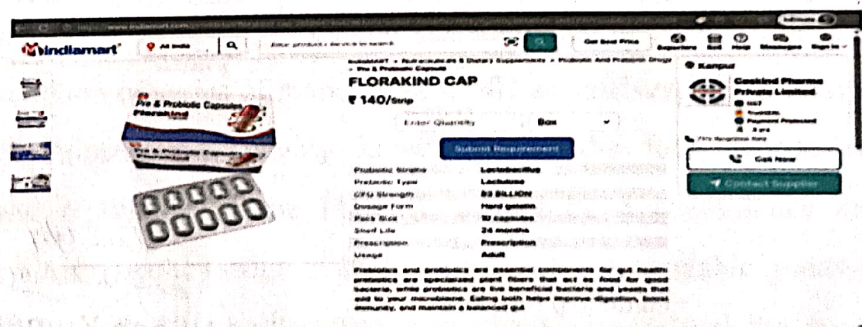
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formative trademarks and this Court has, in several proceedings enumerated in paragraph 27 of the plaint, restrained third parties from unauthorizedly using KIND formative marks. Illustratively, reference is made to *Mankind Pharma Ltd. v. Cadila Pharmaceuticals Ltd.*, CS(OS) 2047/2014, dated 22.01.2015, wherein the suffix 'KIND' was held to be a dominant feature of Plaintiff's trademarks and Plaintiff was found to be the first user of 'KIND' in the pharmaceutical industry; *Mankind Pharma Ltd. v. Sebakind Pvt. Ltd.*, CS(COMM) 484/2020, dated 10.12.2020, wherein goodwill and reputation of Plaintiff in the family of marks with prefix/suffix MANKIND and KIND was recognised; and also *Mankind Pharma Limited v. Kindmedics Pharmaceutical India Private Limited*, CS(COMM) 83/2026, dated 29.01.2026; *Mankind Pharma Limited v. Alkankind Pharmaceuticals Private Limited*, CS(COMM) 322/2026, dated 27.03.2026; and *Mankind Pharma Limited v. Merynova Life Sciences India Private Limited*, CS(COMM) 457/2026, dated 29.04.2026.

28. It is stated that in the fourth week of August, 2026, Plaintiff came across a listing of Defendant's product under the trademark FLORAKIND on the e-commerce platform India Mart at <https://www.indiamart.com/proddetail/florakind-cap-2859647464288.html>, screenshot of which is as follows:-



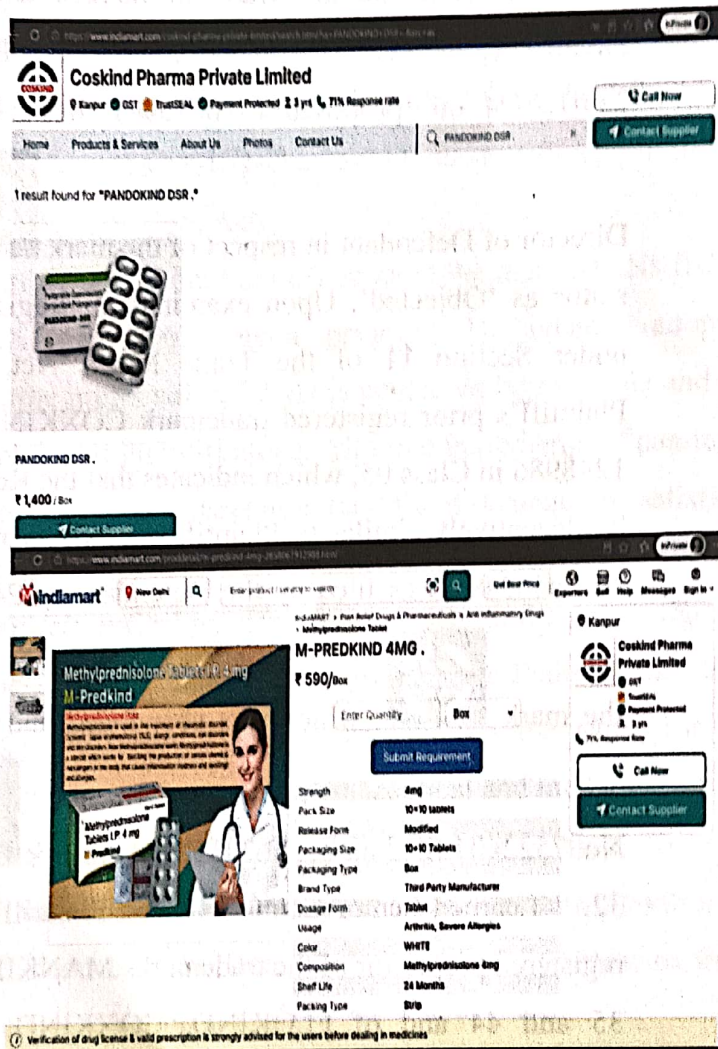
29. It is stated that Plaintiff discovered that Defendant is using FLORAKIND in relation to a pharmaceutical/medicinal preparation and is also using the trade name/trademark COSKIND, which subsumes Plaintiff's registered trademark KIND in its entirety. Defendant in an attempt to come close to Plaintiff has also copied Plaintiff's KIND series of trademarks and is offering for sale pharmaceutical products under the trademarks ETORIKIND, PANDOKIND, RABELKIND and M-PREDKIND on IndiaMart. Screenshots from www.indiamart.com are as follows:-



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30. It is stated that *mala fide* intent of the Defendant is apparent from the fact that it has adopted the impugned marks subsuming Plaintiff's KIND formative marks for identical goods and has attempted to come as close as possible. Adoption of series of marks with KIND as suffixes, in the field of medicines/pharmaceuticals, having knowledge of the four decades of goodwill and reputation of the Plaintiff, cannot be a coincidence and demonstrates a deliberate design to trade on Plaintiff's formidable goodwill and reputation. The rival marks being deceptively similar and the goods

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being similar/identical, the trade channels and consumer base will be common and confusion in members of public is inevitable.

31. It is stated that on a search of the records of the Trade Marks Registry, Plaintiff came across Application No. 6274062 filed in Class 05 on 25.01.2024 on 'proposed to be used' basis by Mr. Mohammad Saqib,



Director of Defendant in respect of the mark , which is reflecting the status as 'Objected'. Upon examination, Registry had raised an objection under Section 11 of the Trade Marks Act, 1999 ('1999 Act') citing Plaintiff's prior registered trademark COXKIND, bearing Registration No. 1248986 in Class 05, which indicates that the Registry has found the mark to be deceptively similar to Plaintiff's KIND marks. An application bearing No. 6403491 was filed by the Defendant on 24.04.2024 for registration of



the mark , which was abandoned and another application bearing



No. 7522404 filed on 12.02.2026 for the mark , is pending.

32. Learned Senior Counsel for the Plaintiff submits that Plaintiff is the registered proprietor of the trademarks MANKIND and KIND in Classes 05, 35 and 44 and of FLOKIND, COXKIND, FLORA and other KIND formative trademarks in Class 05 and by virtue of Section 28 of 1999 Act, has the exclusive right to use the said marks as also to restrain third parties from infringing. Each of the impugned trademarks subsumes the KIND marks of the Plaintiff and are deceptively similar. The rival goods are identical/similar and confusion is thus inevitable owing to the fact that

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consumer base and trade channels are common. Defendant is thus infringing Plaintiff's registered marks under Sections 29(1) and 29(2)(b) of 1999 Act and specifically use of COSKIND as a trade name amounts to infringement under Section 29(5) of 1999 Act.

33. It is further urged that Plaintiff adopted the mark MANKIND in 1986 and FLOKIND in 2003, much prior to Defendant's adoption and significantly, the prefix/suffix KIND is perceived by the trade and public as a source identifier of Plaintiff alone. All three ingredients of passing off i.e., goodwill and reputation, misrepresentation and damage are satisfied in the instant case since evidently Defendant has adopted deceptively similar marks for similar/identical goods to misrepresent to the public that its goods have an association or commercial nexus with the Plaintiff and ride on the formidable goodwill and reputation and exploit the same for unlawful monetary gains. The products are pharmaceutical and medicinal goods and it is settled that the threshold of confusion in this field in respect of infringement and passing off is far lower. Plaintiff has no control over the quality of the products of the Defendant and any compromise on this aspect can be detrimental to public interest.

34. Having heard learned Senior Counsel for the Plaintiff, this Court is of the view that Plaintiff has made out a *prima facie* case for grant of *ex parte* ad interim injunction. Balance of convenience lies in favour of Plaintiff and it is likely to suffer irreparable harm in case the injunction is not granted.

35. Plaintiff is the registered proprietor of trademarks 'MANKIND' and 'KIND' in Classes 05, 35 and 44 and of FLOKIND, COXKIND, RABEKIND, PANTAKIND and other KIND formative marks as also FLORA in Class 05 and has been commercially using the marks for years in

respect of pharmaceutical products. The steadily rising sales turnover, which crossed Rs. 10,000 crores in Financial Year 2025-26, substantial and sustained expenditure on promotion as also brand endorsements by celebrities, indicate the formidable and immense reputation and goodwill built by the Plaintiff in these marks, which have been protected by this Court from time to time. Defendant's adoption and use of the impugned marks, each of which appropriates and subsumes the suffix KIND and many of which closely track Plaintiff's marks FLOKIND/FLORA, COXKIND, PANTAKIND and RABEKIND for identical/similar goods *prima facie* amounts to infringement of Plaintiff's registered trademarks MANKIND/KIND/KIND formative marks. Significantly, the Trade Marks Registry has cited Plaintiff's trademark COXKIND against the application filed by Defendant's Director for COSKIND. Rival marks being deceptively similar and competing goods being identical/similar with common consumers and trade channels, there is every likelihood of confusion. In *Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd.*, (2001) 5 SCC 73, the Supreme Court has observed that public interest would support lesser degree of proof showing confusing similarity in case of trademark in respect of medicinal products as against other non-medicinal products. By adopting the impugned marks, Defendant has attempted to ride on the formidable reputation and goodwill of the Plaintiff, so as to mislead the consumers that its products have an association with the Plaintiff. This is causing irreparable harm and injury to Plaintiff's goodwill and reputation and *prima facie* amounts to passing off. Comparative table showing the rival marks is as follows:-

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PLAINTIFF'S TRADE MARKS	DEFENDANT'S TRADE MARKS
FLOKIND	FLORAKIND
KIND MANKIND	FLORAKIND
KIND MANKIND COXKIND	COSKIND
KIND MANKIND	ETORIKIND
KIND MANKIND PANTAKIND	PANDOKIND
KIND MANKIND RABEKIND	RABELKIND
KIND MANKIND	PREDKIND
FLORA	FLORAKIND

36. Accordingly, till the next date of hearing, Defendant and all others acting on its behalf are restrained from manufacturing, selling, offering for sale, advertising, marketing and/or directly or indirectly dealing in impugned goods, in any manner whatsoever, under the impugned trademarks FLORAKIND/COSKIND/ETORIKIND/PANDOKIND/RABELKIND/M-

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PREDKIND and/ or any other KIND formative trademark or trade name as may be identical with or deceptively similar to Plaintiff's registered trademarks FLOKIND/COXKIND/KIND/MANKIND/FLORA and the KIND formative trademarks and the variants thereof, amounting to infringement and/or passing off.

37. Plaintiff shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from the date of execution of local commission.

I.A. 25305/2026 (u/O XXVI Rules 9 and 10 and Order XXXIX Rule 7 r/w Section 151 CPC)

38. This application is filed on behalf of the Plaintiff seeking appointment of Local Commissioner.

39. Upon hearing, the application is allowed. Accordingly, Mr. Yash Gaur, Advocate (Mobile No. 9810496417), is appointed as Local Commissioner, who shall visit the premises as indicated below:-

'COSKIND PHARMA PRIVATE LIMITED,

3/35, New Benajhabar,
Colony Idgah Motijheel (Kanpur Nagar),
C.S.A. Kanpur Nagar, Uttar Pradesh – 208002'

40. Local Commissioner shall visit the aforesaid premises and carry out inspection and make inventories of offending goods and seize and take into custody goods bearing the impugned marks including any promotional and marketing material bearing the said marks. Local Commissioner shall also inspect and seize the books of accounts, ledgers and stock registers relating to sale of the offending goods.

41. The material seized and taken into custody by the Local Commissioner shall be handed over on *superdari* to the Defendant upon an

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True copy
Nijesh Kumar
Nijesh Kumar
Court Master
High Court of Delhi
New Delhi

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undertaking that the same shall be produced as and when required by the Court.

42. Local Commissioner along with the representative of the Plaintiff and/or counsel shall be permitted to enter the aforesaid premises by the Defendant. In case of any obstruction in execution of the commission, Local Commissioner will be at liberty to take assistance of the SHO of the concerned police station, who on being contacted shall render complete assistance and cooperation. In case the premises are found locked, Local Commissioner will be at liberty to break open the locks.

43. Plaintiff shall serve a copy of this order upon the Defendant along with paper books of the suit at the time of execution of the commission.

44. Fee of the Local Commissioner is fixed at Rs. 2,00,000/- in addition to boarding and lodging charges as also miscellaneous out-of-pocket expenses. Fee shall be paid in advance by the Plaintiff.

45. Report shall be filed by the Local Commissioner within two weeks from the date of execution of the commission and Registry shall be informed of the execution of commission and the filing of the report, only after which summons will be issued to the Defendant.

46. Application is disposed of.

47. This order will not be uploaded on the website of this Court till execution of the commission by the Local Commissioner.

48. Copy of the order be given *dasti* under signatures of the Court Master.

SEPTEMBER 16, 2026
S.Sharma

True copy
Nijesh Kumar
Court Master
High Court of Delhi
New Delhi

sd/-
JYOTI SINGH, J