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

CNR No. DLHC010410362026

+ **FAO (COMM) 255/2026**

NOBEL HYGIENE LIMITED

.....Appellant

Through: Mr. Chander M. Lall, Sr. Adv. with
Ms. Annanya Mehan, Dr. Sheetal
Vohra, Mr. Sridharan Rajan
Ramkumar and Mr. Ashutosh, Advs.

versus

CORONA REMEDIES LIMITED

.....Respondent

Through: Ms. Swathi Sukumar, Sr. Adv. with
Mr. Vikas Khera, Ms. Sneha Sethia,
Ms. Kumari Pragati and Ms. Payal
Aggarwal, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **01.09.2026**

CAV 420/2026

1. Since the counsel for the cavetor/respondent has appeared, the caveat stands discharged.

CM APPL. 58913/2026, CM APPL. 58918/2026 (Exemptions)

2. Exemptions are allowed, subject to all just exceptions.

3. The applications stand disposed of.

FAO (COMM) 255/2026 CM APPL. 58912/2026 CM APPL. 58914/2026



CM APPL. 58915/2026 CM APPL. 58916/2026 CM APPL. 58917/2026

4. This appeal lays a challenge to an order dated 18.08.2026 passed by learned District Judge (Commercial Court-02), South District, Saket Courts, New Delhi whereby the learned District Judge has decided an application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 (“CPC”) in CS (COMM.) 443/2026 whereby it has issued notice on the application under Order XXXIX Rule 1 & 2 of the CPC and injuncted the appellant herein in the following manner:-

“19. Accordingly, an ex parte ad interim injunction order is passed in favour of the plaintiff and against the defendants till the next date of hearing, thereby restraining the defendants from manufacturing, selling, using, importing, exporting, soliciting, displaying, promoting, advertising and dealing in goods with the impugned trade mark or otherwise using the impugned trademark B-FIT/B-Fit and/or any other mark/ word identical with and/or deceptively similar to that of the plaintiff's registered trademarks B-FIT, BFITCD and Corona's B-Fit in relation to pharmaceuticals, medicinal and veterinary preparations, dietetic substances adapted for medical use, food for babies, plasters, material for dressings, maternity pads, under-pads, adult diapers, disposable adult diapers or similar goods and from committing any acts or deeds amounting to or likely to amount to infringing the registered trademarks of the plaintiff and or passing off their goods and business as that of the Plaintiff.”

5. That apart, the learned District Judge has appointed a Local Commissioner to carryout the local commission in terms of directions issued in paragraph 24 of the impugned order.

6. One of the submissions of Mr. Chander M. Lall, learned Senior



counsel for the appellant is that the learned District Judge has arbitrarily proceeded to grant *ex-parte ad-interim* injunction without affording any opportunity to the appellant, who is defendant no. 1 in the above suit of being heard or file a reply despite respondent's own documents filed with the plaint evidencing pre-existing long standing use of mark "B-FIT" by the appellant since 01.04.2014 and pendency of the collateral proceedings between the parties before the Trademark Registry.

7. At this stage, Ms. Swathi Sukumar, learned Senior Counsel appearing for the respondent would submit that it is a fact that the impugned order passed was *ex-parte* without issuing notice on the application under Order XXXIX Rule 1 & 2 of the CPC, as such appropriate be that the parties be relegated back to the learned District Judge by enabling the appellant herein to file a reply to the application so that the learned District Judge can decide the application after hearing the counsel for the parties.

8. The aforesaid is aggregable to Mr. Lall, subject to this Court suspending the impugned order till such time the learned District Judge decides the application under Order XXXIX Rule 1 & 2 of the CPC.

9. If that be so, we direct the appellant herein to file reply to the application under Order XXXIX Rule 1 & 2 of the CPC within one week from today i.e. on or before 08.09.2026 and rejoinder thereof be filed within one week thereafter. As the proceedings are already listed on 17.09.2026, the learned District Judge shall hear the counsel for the parties on the application under Order XXXIX Rule 1 & 2 of the CPC on the said date or on any date to which it shall be adjourned. We make it clear that the parties shall not take an adjournment on the said date or on the date to which it is adjourned.



10. Pending hearing and decision on the said application, the impugned order dated 18.08.2026 shall remain suspended.
11. We also make it clear that we have not expressed ourselves on the dispute raised by the parties in the appeal and the suit.
12. The appellant shall be at liberty to file such application as deemed appropriate for the consideration of the learned District Judge including an application for the release of goods.
13. With the above observations, the appeal and the pending applications are disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 1, 2026/sr