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

+ **CS(COMM) 333/2023**

GLOBAL HEALTH LIMITED & ANR. Plaintiffs

Through: Ms. Shyel Trehan and Mr.
Vignesh Raj, Advs.

versus

M/S HG INTERNATIONAL & ORS. Defendants

Through: Mr. Gurpreet Singh Sachdeva,
Ms. Rukban Tyagi, Mr. Gaurav Tyagi, Mr.
Harmeet Singh and Ms. Kanupriya Tyagi,
Advs. for Defendants 1 to 3 with Defendant
2 in person

Mr. Ankur Sangal, Mr. Ankit Arvind and
Mr. Kiratraj Sadana, Advs. for D-4

Mr. Vivek Ayyagari, Adv. for D-5

Ms. Sharmila in person on behalf of D-6

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

% **28.08.2023**

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1. The plaintiffs are aggrieved, by the use, by Defendants 1 to 3 of

the mark , which submits Ms. Trehan,

infringes the mark  of the plaintiffs, as well as the

word mark "MEDANTA", registered in favour of Plaintiff 2. The
registrations held by the plaintiffs under the Trademarks Act, 1999

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have been tabulated, in the documents filed with the plaint, thus:

Sr. No.	Description of IPR	Type of Mark	Class	Registered owner of the IPR	Date of the registration/ renewal/application
1.	MEDANTA	Word mark	5, 10, 39 & 42	"Plaintiff 2"	21 August 2008
2.	MEDANTH A	Word mark	5, 10, 39 & 42	"Plaintiff 2"	21 Januray 2008
3.	MEDANTA -THE MEDICITY	Word mark	5, 10, 39 & 42	"Plaintiff 2"	21 August 2008
4.	MEDANTH A-THE MEDICITY	Word mark	5, 10, 39 & 42	"Plaintiff 2"	21 Januray 2008
5.	Medanta – Mediclinic	Word mark	5, 10, 16, 39 42 & 44	"Plaintiff 2"	14 November 2014
6.	Medanta Awadh	Word mark	5, 10, 16, 39, 42 & 44	"Plaintiff 2"	13 November 2014
7.	Medanta-The Medicity Awadh	Word mark	5, 10, 16, 39, 42 & 44	"Plaintiff 2"	13 November 2014
8.	Medanta Lucknow	Word mark	5, 10, 16, 39, 42 & 44	"Plaintiff 2"	14 November 2014
9.	Medanta-The Medicity Lucknow	Word mark	5, 10, 16, 39, 42 & 44	"Plaintiff 2"	14 November 2014
10.	Medanta Uttar Pradesh	Word mark	5, 10, 16, 39, 42 & 44	"Plaintiff 2"	14 November 2014

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11.	Medanta- THE Medicity UP	Word mark	5, 10, 16, 39, 42 & 44	“Plaintiff 2”	14 November 2014
12.		Device Mark		Global Health Ltd	6 April 2009
13.		Device Mark	5, 10, 39, 42, 43 & 44	Global Health Ltd	10 February 2011
14.		Device Mark	35 & 44	Global Health Ltd	8 March 2022

2. Defendants 1 to 3 are stated to be manufacturing, packing and selling skin care products, using the impugned mark . It is further averred, in the plaint, that Defendant 2 has also applied for registration of the impugned mark as a device mark in Class 3. The application is presently under objections.

3. Having issued legal notices to the defendants to cease and desist from using the impugned marks, the plaintiffs, on finding the usage of the impugned marks to be continuing, approached this Court by means of the present suit, seeking a decree of permanent injunction restraining the defendants as well as all others acting on their behalf from using the impugned marks or any other mark which infringes or is deceptively similar to any of the registered marks of the plaintiffs, in respect of cosmetic or hygiene products or any other products whatsoever.

4. By order dated 22 May 2023, while issuing summons in the present suit, this Court had restrained Defendants 1 and 3 and all



others acting on their behalf from using the impugned mark **MEDANTA** either as a word mark or as a device mark or any other mark which was deceptively similar to the said mark. Defendants 4 to 6 were also directed to take down all representations of the said mark, available on the internet as well as any products bearing the said mark, which was available on any e-commerce platform maintained by them.

5. It is not in dispute that there has been compliance with the interim directions passed by this Court on 22 May 2023.

6. Mr. Gurpreet Singh Sachdeva, learned Counsel for Defendants 1 to 3 submits on instructions that his client does not intend to use the impugned mark **MEDANTA** any further and prays that if the plaintiffs were to give up the claims for costs and damages, the suit may be decreed recording the aforesaid statement made by him.

7. Ms. Shyel Trehan, learned Counsel for the plaintiffs submits, very fairly that, in the circumstances, her client does not intend to pursue its claims for costs and damages.

8. In view of the aforesaid, the dispute in the suit does not survive for further consideration. The statement of Mr. Gurpreet Singh Sachdeva is taken on record. Defendants 1 to 3 shall remain bound thereby. The remaining defendants shall also continue to abide by the orders passed by this Court on 22 May 2023.



9. The suit accordingly stands decreed in the aforesaid terms.
10. Let a decree-sheet be drawn up by the Registry accordingly.

I.A. 9996/2023 (Order XXXIX Rules 1 and 2 of the CPC) I.A. 16262/2023 (for condonation of delay of 15 days in filing replication)

11. These applications do not survive for consideration and stand disposed of accordingly.

C.HARI SHANKAR, J

AUGUST 28, 2023

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