$~54

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

\# **CNR No. DLHC010369032026**

\+ CS(COMM) 872/2026

M/S HOUSE OF DIAGNOSTICS LLP & ORS. .....Plaintiffs

Through: Mr. Vaibhav Vutts, Ms. Amna Hasan, Ms. Anupriya Shyam and Ms. Vaibavi SG, Advocates.

versus

MVP HEALTHCARE PVT. LTD. .....Defendant

Through:

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

O R D E R

% 12.08.2026

I.A.21627/2026 *(Exemption)*

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

I.A. 21625/2026 *(for pre-institution mediation)*

3. This application is filed on behalf of the Plaintiffs under Section 151 CPC read with Section 12-A of the Commercial Courts Act, 2015 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 this Court in ***Chandra Kishore Chaurasia v. RA Perfumery Works Private Ltd., 2022 SCC OnLine Del 3529***, exemption is granted to the Plaintiffs from Pre-Institution Mediation.

5. Application is allowed and disposed of.

Signature Not Verified
Digitally Signed
By:KAMAL KUMAR
Signing Date:14.08.2026
14:56:56

I.A.21626/2026 *(u/O XI Rule 1 (4) r/w Section 151 CPC)*

6. This application is filed on behalf of the Plaintiffs seeking to place on record additional documents.

7. Plaintiffs, if they wish 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. 21628/2026 *(u/S 151 CPC)*

9. This application is filed on behalf of the Plaintiffs seeking urgent listing of the present suit.

10. For the reasons stated in the application, the same is allowed and disposed of.

CS(COMM) 872/2026

11. Let plaint be registered as a suit.

12. Issue summons to the Defendant through all permissible modes, returnable before the learned Joint Registrar on 15.09.2026.

13. Summons shall state that the written statement shall be filed by the Defendant within 30 days from the date of receipt of summons along with affidavits of admission/denial of the documents filed by the Plaintiffs.

14. It will be open to the Plaintiffs to file replication within 30 days from receipt of the written statements along with affidavits of admission/denial of documents filed by the Defendant.

15. 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.

16. Learned Joint Registrar shall carry out admission/denial of documents and marking of exhibits.

Signature Not Verified
Digitally Signed
By:KAMAL KUMAR
Signing Date:14.08.2026
14:56:56

I.A. 21624/2026 *(u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)*

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

18. Issue notice to the Defendant through all permissible modes, returnable before Court on 07.12.2026.

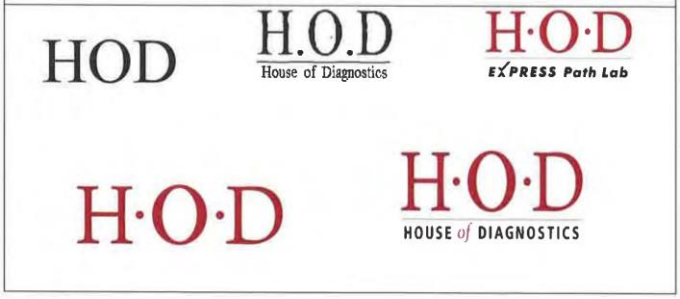
19. Case of the Plaintiffs as set out in the plaint is that that Plaintiffs are three sister concerns constituting the HOD Group, managed by members of the same family and forming a single economic unit. Plaintiff No.1, House of Diagnostics LLP, was incorporated on 15.09.2009 as East Delhi Focus Imaging LLP and was renamed on 16.05.2013. Plaintiff No.2, HOD Healthcare Pvt. Ltd., was incorporated on 09.09.2005 as Focus East Delhi Diagnostic Services Pvt. Ltd. and was renamed on 27.06.2017. Plaintiff No.3, House of Diagnostics Healthcare Pvt. Ltd., was incorporated on 10.12.2007 as NCR MRI & Diagnostics Pvt. Ltd. and was renamed on 17.04.2018. Plaintiffs are engaged in providing an extensive range of medical and health diagnostics, pathology, radiology and therapy services, including 3T MRI, CT Scan, whole body PET-CT, Gamma Camera, Ultrasound, X-Ray, DEXA and Mammography, apart from a wide range of pathology tests and home sample collection facilities. Plaintiffs' pathology services include a wide range of services and tests, *inter alia*, Complete Blood Count (CBC), Urine Analysis, Blood Sugar fasting (Glucose), Kidney Function Test (KFT), Vitamin Bl2, Iron, COVID-19 by PCR, Prothrombin Time test, Creatinine test, Erythrocyte Sedimentation Rate, Prostatic Specific Antigen, VDRL (Rpr) and Dengue NS 1.

20. It is stated that in the year 2008, Plaintiffs conceived and adopted the arbitrary and invented trademark HOUSE OF DIAGNOSTICS/H.O.D/

Signature Not Verified
Digitally Signed
By:KAMAL KUMAR
Signing Date:14.08.2026
14:56:56

H.O.D House of Diagnostics / H·O·D for their goods and services and in the year 2013, Plaintiff No.1 adopted H.O.D as part of its corporate name. Plaintiffs use the mark both as a word mark *per se* and as a label mark in a highly distinctive manner, the manner of usage being as follows:-

Plaintiff's manner of usage of the mark H.O.D



21. It is stated that Plaintiffs hold many trademark registrations and applications for the H.O.D trademarks in Classes 10, 35, 41, 42 and 44, with user claimed from 01.04.2008. The registrations are valid and subsisting and vest Plaintiffs with exclusive statutory as well as common law rights in the H.O.D trademarks. Details of the registrations are as follows:-

S. no.	Trademark	Application Number	User Details	Status	Application Date
1.	H.O.D House of Diagnostics	2297846	01.04.2008	Registered	12.03.2012
Class 10 *Surgical, Medical, Dental and Veterinary Apparatus and Instruments, Artificial Limbs, Eyes and Teeth; Orthopaedic Article; Suture Materials*					
2.	H.O.D	2297847	01.04.2008	Registered	12.03.2012
Class 41 *Education; Providing of Training; Entertainment; Sporting and Cultural Activities*					
3.	H.O.D	2297848	01.04.2008	Registered	12.03.2012
Class 42 *Scientific and Technological Services and Research and Design Relating Thereto; Industrial Analysis and Research Services; Design and Development of Computer Hardware and Software*					
4.	H.O.D	2297849	01.04.2008	Pending	12.03.2012
Class 44 *Medical Services, Veterinary Services, Hygienic and Beauty Care for Human Beings or Animals, Agriculture and Forestry Services*					
5.	H·O·D	3613829	Proposed to be used	Registered	16.08.2017
Class 35 *Computerized Database Management For Tracking Patient Information For Diagnostic Testing; Referral Services In The Fields Of Medical, Health And Clinical Care; Product Demonstration Services In The Field Of Medical Diagnostic Testing; Computerized Database Management Of Diagnostic Testing And Results; Computerized Database Management Of Medical, Hospital Insurance And Billing Records; And Providing Information Regarding Hospital Billing Records; Computer Services,*					

Signature Not Verified
Digitally Signed
By:KAMAL KUMAR
Signing Date:14.08.2026
14:56:56

Namely, Electronic Storage And Retrieval Of Messages And Data In The Field Of Diagnostic Testing And Preparations For The Treatment, Monitoring And Diagnosing Of Disease; Computer Services, Namely, Electronic Storage And Retrieval Of Biological Specimens And Diagnostic Assays					
6.	H·O·D	3613830	Proposed to be used	Registered	16.08.2017
Class 44: *Medical services, hospitals, nursing homes, medical clinic, medical assistance, health care, health centres, health diagnostic services, pathology services, radiology services, therapy services, opticians" services, blood bank services, hair implantation; medical equipment rental.*					
7.	H·O·D EXPRESS Path Lab	3613831	Proposed to be used	Registered	16.08.2017
Class 35: *Computerized Database Management For Tracking Patient Information For Diagnostic Testing; Referral Services In The Fields Of Medical, Health And Clinical Care; Product Demonstration Services In The Field Of Medical Diagnostic Testing; Computerized Database Management Of Diagnostic Testing And Results; Computerized Database Management Of Medical, Hospital Insurance And Billing Records; And Providing Information Regarding Hospital Billing Records; Computer Services, Namely, Electronic Storage And Retrieval Of Messages And Data In The Field Of Diagnostic Testing And Preparations For The Treatment, Monitoring And Diagnosing Of Disease; Computer Services, Namely, Electronic Storage And Retrieval Of Biological Specimens And Diagnostic Assays.*					
8.	H·O·D EXPRESS Path Lab	3613832	Proposed to be used	Registered	16.08.2017
Class 44 *Medical Services, Hospitals, Nursing Homes, Medical Clinic, Medical Assistance, Health Care, Health Centres, Health Diagnostic Services, Pathology Services, Radiology Services, Therapy Services, Opticians" Services, Blood Bank Services, Hair Implantation; Medical Equipment Rental.*					
9.	H·O·D HOUSE of DIAGNOSTICS	5694258	21.07.2012	Registered	23.11.2022
Class 44 *Medical services, veterinary services, hygienic and beauty care for human beings or animals, agriculture and forestry services; Medical diagnostic services; surgical diagnostic services; medical assistance;*					
medical clinic services; medical clinic services and medical analysis services for diagnostic and treatment purposes provided by medical laboratories, such as x-ray examinations and taking of blood samples; diagnosis of visual processing disorders; remote monitoring of medical data for medical diagnosis and treatment; medical analysis services for diagnostic and treatment purposes provided by medical laboratories					

22. It is stated that Plaintiffs are the original conceivers and prior users of the artistic works comprised in the H.O.D/House of Diagnostics labels, which have a unique colour combination, layout and lettering style and user dates back to 2008. The artistic work constitutes original artistic work under the Copyright Act, 1957. Copyright registrations secured by Plaintiffs are as follows:-

Signature Not Verified
Digitally Signed
By:KAMAL KUMAR
Signing Date:14.08.2026
14:56:56

Application No.	*Work*	*Date of application*	*Title of the work*	*Status*
A-120392/2017	H·O·D HOUSE of DIAGNOSTICS	14.06.2017	H O D	Registered
A-130643/2019	H·O·D EXPRESS Path Lab	16.07.2019	H.O.D Express Path Lab	Registered
A-130692/2019	H·O·D	16.07.2019	H.O. D	Registered

23. It is stated that Plaintiffs are the registered proprietors of the domain names www.houseofdiagnostics.com since 2012 and https://www.hod.care/ since 2017, in relation to their interactive websites which enable consumers across the country to book services. Plaintiffs also promote their services on Instagram, Facebook, LinkedIn, Twitter and YouTube and in 2022 launched a mobile application under the name H.O.D on the iOS and Android platforms, offering booking of over 1000 tests, home sample collection and real time tracking. Plaintiffs run around 50 centres in Delhi, Noida, Greater Noida, Gurugram, Ghaziabad and Faridabad and operate more than 150 collection centres in and around Delhi NCR along with more than 10 Integrated Diagnostics Centres, on all of which the H.O.D trademarks are prominently displayed.

24. It is stated that Plaintiffs have been accorded NABL and NABH accreditations, which are critical to their business of providing high quality healthcare diagnostic services and have a direct bearing on public health and Plaintiffs have expended considerable time and effort on research and development in obtaining the same. Plaintiffs have also advertised extensively on www.google.com through Google Ads and invested in

Signature Not Verified
Digitally Signed
By:KAMAL KUMAR
Signing Date:14.08.2026
14:56:56

Search Engine Optimisation, as a result of which their websites appear on the first page of search results for keywords such as HOD, Diagnostics services and Pathology services. The continuous, extensive and long use of the H.O.D trademarks has resulted in sales amounting to several crores of rupees, the year-wise break-up of which is as follows:-

Year	Sales (in INR Lakhs)
2012-2013	1,251.35
2013-2014	2,127.14
2014-2015	2,518.91
2015-2016	3,277.18
2016-2017	3,886.99
2017-2018	5,018.09
2018-2019	5,859.67
2019-2020	7,534.77
2020-2021	6,648.39
2021-2022	13,029.42
2022-2023	12,838.68
2023-2024	14,952.48
2024-2025	18,899.74
2025-2026 (Till 31.10.2025)	13,713.14

25.It is stated that Plaintiffs have widely advertised, marketed and promoted the H.O.D trademarks through electronic and print media, billboards, hoardings, pamphlets, brochures and various internet channels in large parts of India, resulting in the H.O.D trademarks penetrating across the length and breadth of the country. The year-wise expenditure incurred by Plaintiffs on promotion of the goods and services under the H.O.D trademarks is as follows:-

Signature Not Verified
Digitally Signed
By:KAMAL KUMAR
Signing Date:14.08.2026
14:56:56

Year	Expenses (in INR Lakhs)
2012-2013	2.00
2013-2014	16.04
2014-2015	51.45
2015-2016	199.15
2016-2017	218.87
2017-2018	334.67
2018-2019	415.68
2019-2020	490.00
2020-2021	244.83
2021-2022	702.90
2022-2023	784.49
2023-2024	536.96
2024-2025	667.31
2025-2026 (Till 31.10.2025)	472.28

25. It is stated that Plaintiffs have been vigilant in protecting their rights in the H.O.D trademarks and the rights have been recognised by this Court on three earlier occasions. In ***FAO No. 235/2019***, titled ***M/s HOD Innovation Labs Pvt. Ltd. v. M/s House of Diagnostics LLP***, the appeal was disposed of vide order dated 14.06.2019 in terms of a settlement whereby the Appellant agreed to block the domain name HOD.life. In ***CS(COMM) 869/2023***, titled ***House of Diagnostics LLP & Ors. v. House of Pathology Labs Private Limited***, Defendant was restrained vide order dated 12.12.2023 from using the mark House of Pathology and the suit came to be decreed vide order dated 22.08.2024. In ***CS(COMM) 416/2026***, titled ***House of Diagnostics LLP & Ors. v. Home of Diagnostics Limited***, Defendant was restrained vide order dated 21.04.2026 from using the mark HOD Home of Diagnostics.

Signature Not Verified
Digitally Signed
By:KAMAL KUMAR
Signing Date:14.08.2026
14:56:56

26. It is stated that Defendant provides services in the medical, healthcare and diagnostic sectors under deceptively similar trademarks /HOD, for which it filed trademark applications bearing Nos. 4929690 in Class 35 and 4929691 in Class 44, both dated 01.04.2021, on a proposed to be used basis. Both applications were objected to by the Trade Marks Registry vide examination reports dated 11.05.2021 under Section 11 of the Trade Marks Act, 1999 ('1999 Act'), citing the prior H.O.D trademarks of the Plaintiffs. Defendant filed replies on 10.07.2021 and thereafter filed a letter dated 26.09.2021 seeking withdrawal of both applications. Application No. 4929691 in Class 44 was treated as withdrawn vide order dated 19.04.2023. Application No. 4929690 in Class 35 was accepted and advertised in Trade Marks Journal No. 2088 dated 23.01.2023, against which Plaintiffs filed a notice of opposition dated 23.05.2023, served on Defendant on 03.07.2023, and the application was deemed abandoned vide order dated 12.01.2024 for failure of Defendant to file a counter statement. Both orders have attained finality and have not been challenged.

27. It is stated that believing that Defendant had ceased use of the impugned mark, Plaintiff took no action at that stage. In May 2026, however, Plaintiffs came across the interactive website https://www.houseofdoctors.in/ of the Defendant, on which Defendant prominently displayed the impugned mark and claimed to be providing healthcare facilities and patient care coordination services, consultations, health check-ups, medical admissions, surgeries and employee engagement services. The website is accessible throughout India including in Delhi and enables consumers to book appointments and consultations online and the domain name subsumes the mark of the Plaintiff in entirety. Plaintiff issued

Signature Not Verified
Digitally Signed
By:KAMAL KUMAR
Signing Date:14.08.2026
14:56:56

a cease and desist notice dated 26.05.2026, but there was no response and Defendant continues its infringing activities.

28. Learned counsel for the Plaintiffs submits that Defendant has dishonestly adopted a mark which is nearly identical or deceptively similar to the H.O.D trademarks of the Plaintiffs and has also copied the placement of the elements of the logo of the Plaintiffs, inasmuch as the words House of Doctors are written below the letters HOD in the same manner in which the words 'House of Diagnostics' are written below the letters H.O.D in the mark of the Plaintiffs. Comparison of the rival marks is as follows:-

Mark of the Plaintiffs	Mark of the Defendant
H·O·D HOUSE of DIAGNOSTICS HOD HOUSE OF DIAGNOSTICS	HOD HOUSE OF DOCTORS HOD HOUSE OF DOCTORS

29. It is urged that adoption of the impugned mark by Defendant is neither honest nor *bona fide*. Defendant operates in the identical sector, namely diagnostics, medical and healthcare services and being a player in the same field ought to have been aware of the prior rights of the Plaintiffs. Defendant was in any event put to notice of the rights and the objection of the Plaintiffs on three separate occasions, firstly, through the examination reports issued by the Trade Marks Registry citing the H.O.D trademarks, secondly, through the notice of opposition dated 23.05.2023 and thirdly, through the legal notice dated 26.05.2026 and reminder notice dated 15.06.2026, yet it has continued the use of the mark blatantly. The consumer base being common, there is every likelihood of confusion amongst members of public and Defendant's use of the impugned mark amounts to infringement under Section 29 of the 1999 Act.

Signature Not Verified
Digitally Signed
By:KAMAL KUMAR
Signing Date:14.08.2026
14:56:56

30. It is further argued that adoption of the impugned mark by the Defendant is only to misrepresent to the public that the services rendered by it have an association with the Plaintiffs in order to encash on their enviable goodwill and reputation. This is causing irreparable harm and injury to the goodwill of the Plaintiff and can be detrimental to public interest since the impugned mark is used for diagnostic and healthcare services and any deficiency in the services of the Defendant can have adverse impact on the health and treatment of patients.

31. Having heard learned counsel for the Plaintiffs, I am of the view that Plaintiffs have made out a *prima facie* case for grant of *ex parte ad interim* injunction against the Defendant. Balance of convenience lies in favour of the Plaintiffs and they are likely to suffer irreparable harm in case the interim injunction, as prayed for, is not granted.

32. Plaintiffs are the registered proprietors of the H.O.D trademarks with user claim from 01.04.2008 and they also hold copyright registrations in the artistic works comprised in the H.O.D labels. Defendant has adopted a deceptively similar mark and for identical services and thus there is every likelihood of confusion among members of public. Sales of Rs.18,899.74 lakhs in the financial year 2024-2025 and promotional expenditure of Rs.667.31 lakhs in the same year are reflective of the immense goodwill and reputation garnered by the Plaintiffs in the H.O.D trademarks. Defendant has entered the concerned field only in 2021 while Plaintiffs adopted the HOD marks in 2008 i.e. much prior to the Defendant and thus also have common law rights in the HOD marks. Adoption of deceptively similar mark by the Defendant is only to encash on the formidable reputation of the Plaintiffs by misrepresenting to public that the services have some connection with those of the Plaintiffs. *Prima facie,* Defendant is infringing the registered HOD

Signature Not Verified
Digitally Signed
By:KAMAL KUMAR
Signing Date:14.08.2026
14:56:56

marks of the Plaintiffs and also passing off its goods as those of the Plaintiffs. Accordingly, till the next date of hearing:-

(a) Defendant and all others acting on its behalf are restrained from using the trademark 

/HOD House of Doctors or any other mark, name, logo, monogram or label that is or may be identical with or deceptively similar to trade name and/or registered marks H.O.D, House of Diagnostics, 

, 

, 

; 

of the Plaintiffs, amounting to infringement of Plaintiffs' reputed and registered H.O.D trademarks and copyrights and/or passing off;

(b) Defendant is further directed to remove all listings under the impugned mark from all websites and social media platforms including but not limited to its website https://www.houseofdoctors.in/, within two weeks from the date of receipt of this order.

33. Plaintiffs shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from today.

JYOTI SINGH, J

AUGUST 12, 2026
S.Sharma

Signature Not Verified
Digitally Signed
By:KAMAL KUMAR
Signing Date:14.08.2026
14:56:56