



2025:DHC:8575-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **FAO(OS) (COMM) 140/2025 & CM APPL. 57929/2025**  
**PATANJALI AYURVED LIMITED & ANR. ....Appellants**  
Through: Mr. Rajiv Nayar, Sr. Adv.

versus

**DABUR INDIA LIMITED .....Respondent**  
Through: Mr. Sandeep Sethi, Sr. Adv.  
with Mr. R Jawahar Lal, Ms Meghna Kumar  
and Mr Anirudh Bakhru, Advs.

**CORAM:**  
**HON'BLE MR. JUSTICE C. HARI SHANKAR**  
**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**JUDGMENT(ORAL)**

**23.09.2025**

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**C.HARI SHANKAR, J.**

1. By the order under challenge, a learned Single Judge has restrained the appellant, who was the defendant in the suit, in the following terms:

“78. Considering the aforesaid detailed discussion, the plaintiff has established a strong *prima facie* case in its favour. Balance of convenience also lies in favour of the plaintiff and against the defendants. Further, the plaintiff shall suffer irreparable loss, including loss of reputation, if interim relief, as prayed in the present applications, is not granted

79. In view of the discussion hereinabove, this Court directs that from the Print Advertisements, the defendants shall delete the first two lines, i.e., ‘*Why settle for Chyawanprash made with 40 herbs?*’ The defendants can accordingly modify the impugned Print Advertisements in both Hindi and English languages.

80. Similarly, as regards the impugned TVC, the defendants are



directed to delete the lines as given in the first three columns of the table showing the story board of the impugned TVC, i.e., '*Jinko Ayurved or Vedon ka gyaan nahi Charak, Sushrnt, Dhanvantri aur Chyawanrishi Ki Parampara ke Anuroop, original Chyawanprash kaise bana payenge*'. Similarly, the defendants are directed to delete the lines as given in the last column of the table showing the story board of the impugned TVC, '*Toh ordinary Chyawanprash kyu*', from their TVC."

2. Mr. Rajiv Nayar, learned Senior Counsel for the appellants submits, on instructions, that his client is willing to comply with the injunction insofar it restrains the appellant from using the word "*Jinko Ayurved or Vedon ka gyaan nahi Charak, Sushrut, Dhanvantri aur Chyawanrishi Ki Parampara ke Anuroop, original Chyawanprash kaise bana payenge*".

3. Insofar as the direction to the appellant directed to delete the line '*Why settle for ordinary Chyawanprash made with 40 herbs?*' and the line '*To ordinary Chyawanprash kyu?*', Mr. Nayar submits that the main basis for directing this injunction was apparently because the respondent's Chyawanprash was specifically advertised having 40 herbs. This would lead the consumer to believe the reference to "ordinary Chyawanprash" in the line '*Why settle for ordinary Chyawanprash made with 40 herbs?*' to refer to the respondent's Chyawanprash.

4. Mr. Nayar undertakes that his client would remove the reference to Chyawanprash "with 40 herbs" and to restrict the advertisement to the extent it discourages the use of "ordinary Chyawanprash". Mr. Nayar submits that there is a plentitude of decisions which hold that the mere use of the word "ordinary" is not



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*per se* disparaging.

5. Mr. Sandeep Sethi, learned Senior Counsel for the respondent, on instructions, is agreeable to a disposal of this appeal binding Mr. Nayar's client to the aforesaid statements.

6. Accordingly, we dispose of this appeal in the following terms:

(i) The injunction against the appellant using "*Jinko Ayurved or Vedon ka gyaan nahi Charak, Sushrut, Dhanvantri aur Chyawanrishi Ki Parampara ke Anuroop, original Chyawanprash kaise bana payenge*" is upheld.

(ii) The appellant would delete the reference to the Chyawanprash "*made with 40 herbs*" and would refrain from using any other tagline or reference, directly or indirectly, to the respondent's Chyawanprash.

(iii) The appellant is, however, permitted to advise the consuming public, in its print or media advertisements, to prefer the appellant's Chyawanprash to "ordinary Chyawanprash". In other words, the reference to "ordinary Chyawanprash", as opposed to the appellant's Chyawanprash, and the advertisement of the latter as superior to the former, is permitted, provided it does not deride, or directly or indirectly refer to, the product of the respondent.



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7. With consent of learned Senior Counsel for the parties, for which this Court is grateful, the appeal stands disposed of in the aforesaid terms.

**C.HARI SHANKAR, J.**

**OM PRAKASH SHUKLA, J.**

**SEPTEMBER 23, 2025/gunn**