Acquiescence is a complete defence to an infringement action which contemplates the existence of two elements viz. honesty in the defendant's adoption and use, and lack of some positive act on the part of the plaintiff

The **Bombay High Court** in the case of **Minco India vs Minco India Flow Elements [Commercial Appeal (L) No. 1600 of 2006] dated March 18, 2026**, has asserted that a person who does not come to the Court with clean hands is not entitled to be heard on the merits of his grievance, as every Court is not only entitled, but is duty bound to protect itself from unscrupulous litigants who try to pollute the stream of justice by resorting to falsehood or suppressed facts which have a bearing on the adjudication of the issues. The suppression of material facts disentitles a party to the discretionary relief of an interim injunction.

The Court held that acquiescence is a complete defence to an infringement action which contemplates the existence of two elements viz. honesty in the defendant's adoption and use, and lack of some positive act on the part of the plaintiff. While a plaintiff's trademark registration makes it entitled to exclusivity, it does not extend to the defendant company in peculiar circumstances where the business of both entities was intertwined flowing from the same origin, and where the plaintiff had expressly granted a no objection to the defendant's adoption of the corporate name.

The High Court observed that the Appellate Court shall not interfere with the exercise of discretion of the Court of first instance, and substitute its own discretion, except where the same has been shown to be exercised arbitrarily or capriciously or perversely or where the Court had ignored the settled principles of law regulating grant or refusal of interlocutory injunctions.

The Court noted that the Plaintiff suppressed the material fact about their companies being promoted by the same family patriarch and about the inter se relationship between Amarendra and Raghavendra in the management of the Plaintiff and the Defendant company. The plaint completely lacked particulars about the relationship between the Plaintiff and the Defendant, or that Amarendra was a Director in the Defendant company till 2015, conveying a misleading impression that the Defendant is an un-associated third party.

The Court observed that the Plaintiff's reliance on its registration for the mark 'MINCO INDIA' granted on 29/01/2024 does not entitle the Plaintiff to an injunction as a matter of course, as the Plaintiff contrived its alleged cause of action immediately after its registration. The Bench also found the Plaintiff's inaction for over 13 years, while the Defendant continued its business under the trading name 'MINCO' building a formidable business with cumulative sales turnover, amounts to clear acquiescence on the part of the Plaintiff.

The Court noted that the Plaintiff in fact approved the change of name of the Defendant company in the year 2012 itself, as both companies formed part of the family-promoted consortium known as 'GICON'.

Further, the Court observed that the products do not have any mark per se, as the Plaintiff and Defendant are manufacturers of specialized industrial equipment supplied as per the specification of the client, and are not products casually available for sale in the market. Consequently, the likelihood of confusion is minimal, and the reliance by the Plaintiff on a solitary email of February 2024 is not sufficient to establish confusion or the likelihood of confusion.

Thus, the court concluded that the balance of convenience is in favour of the Defendant, who has been openly and continuously using 'MINCO' as a part of its trade name since September 2012 and has earned reputation and goodwill.