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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CS(COMM) 586/2021 & I.A. 4340/2022

SCIENTIFIC INTERNATIONAL PRIVATE LIMITED, ..... Plaintiff  
Through: Mr. Aditya P. Arora, Advocate.  
(M:9953744141)

versus

KALYANI PUBLISHERS & ORS. .... Defendants  
Through: None.

**CORAM:**  
**JUSTICE PRATHIBA M. SINGH**

**ORDER**  
% **21.03.2022**

1. This hearing has been done through hybrid mode.

**I.A.4340/2022 (u/O XXXIX Rule 2A CPC)**

2. This is an application filed by the Plaintiff under Order XXXIX Rule 2A CPC for initiating proceedings against the Defendants on account of willful disobedience of the orders dated 22<sup>nd</sup> November 2021 and 16<sup>th</sup> February, 2022. The grievance of the Plaintiff is that as per the order dated 22<sup>nd</sup> November, 2021, an undertaking was given by Id. Counsel appearing for the Defendant No.1- Kalyani Publishers, which is a sole proprietary concern of Mrs. Usha, to the following effect:

*“11. Mr. Jayant Kumar, who appears for Defendant 1 does not dispute this allegation but contends that the termination of the license, earlier granted by Defendant 3 to Defendant 1 was ex facie illegal and that, in this context, he has filed a Civil Suit before the competent trial court at Ludhiana, which is presently pending.*

*12. Nonetheless, he undertakes that, till the next date of hearing, Defendant 1 would not release, into the market, or otherwise distribute any copy*



of the 22 works enumerated earlier in this order and covered by the license agreement dated D' September, 2021 between Defendant 3 and the plaintiff."

3. Ld. counsel for the Plaintiff submits that despite the above undertaking being given to the Court, the Defendants are continuing to sell the infringing books, copyrights in which belong to the Plaintiff. One such book, which has been sold is 'Fundamentals of Genetics' with respect of which undertaking was given by the Defendant No.1 on 22nd November 2021 before the Court. Ld. Counsel for the Plaintiff has placed on record the invoices and other screenshots from various e-commerce platforms to show that the Defendants are continuing to sell infringing books mentioned in order dated 22nd November, 2021. The Petitioner have also placed on record a cash memo which is marked as Document A-6 along with the Application which shows the sale of the book 'Fundamentals of Genetics' by Lyall Book Depot.

4. Ld. Counsel for the Plaintiff submits that an email dated 1<sup>st</sup> March 2022 has been sent by the Plaintiff to the Defendants informing them of the illegal and unlawful sale in violation of the order dated 22nd November 2021. In response, a letter was sent by the Defendant No.1- Kalyani Publishers, which is stated to be received by the Plaintiff on 19th March, 2022, wherein the claim of the Defendant Nos.1 & 2 is that Kalyani Publishers and Lyall Book Depot are separate concerns for the last 30 years. The further stand of the Defendant is that these two entities are not sister concerns and both the firms are submitting separate Income Tax returns. However, it is the submission of the Ld. Counsel for the Plaintiff that Lyall Book Depot is run by Mr. Raj Kumar, who is the husband of Mrs. Usha, and



her son. He submits that the Defendant Nos.1 & 2 are using this methodology of selling the infringing books through Lyall Book Depot in violation of the undertakings given to this Court.

5. Issue notice to the Defendants. Let reply be filed within two weeks. Rejoinder thereto, if any, within two weeks thereafter. Mrs. Usha shall remain present in Court on the next date of hearing.

6. Let the letter which has been received by the Plaintiff be placed on record by the Plaintiff.

7. List on 11<sup>th</sup> May, 2022.

**PRATHIBA M. SINGH, J.**

**MARCH 21, 2022/dk/sk**