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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 586/2021 & I.As. 4340/2022, 7396/2022

SCIENTIFIC INTERNATIONAL PRIVATE LIMITED Plaintiff

Through: Mr. Udit Chauhan & Mr. Aditya P.
Arora, Advocates. (M:9953744141)

versus

KALYANI PUBLISHERS & ORS.

..... Defendants

Through: Ms. Shalini Kaul, Mr. Chaman Lal &
Mr. Tabis Zia, Advocate for D-1 &2
with Ms. Usha, Defendant in person.
Mr. Jasman Singh Sethi, Advocate for
D-3.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **11.05.2022**

1. This hearing has been done through hybrid mode.

I.A. 7396/2022(for additional documents)

2. Pursuant to the previous order dated 21st March, 2022, this is an application seeking to place on record the letter issued by Defendant No.1 to the Plaintiff, concerning the relationship between Defendant Nos.1&2 and M/s Lyall Book Depot.

3. The documents annexed with **I.A. 7396/2022** are taken on record, subject to any objections of the Defendants.

4. **I.A. 7396/2022** is disposed of.

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

5. This is an application under Order XXXIX Rule 2A CPC for initiating proceedings against the Defendants on account of willful disobedience of the orders dated 22nd November, 2021 and 16th February, 2022.



6. Ms. Shalini Kaul, Id. Counsel appears for the Defendant Nos. 1 and 2. Mrs. Usha/Defendant No.2- the sole proprietor of Defendant No.1-firm, who was directed to be present vide previous order dated 21st March, 2022, is also present in Court, along with her son, Mr. Tarun Bhateja- who is stated to be one of the partners of a related entity- M/s Lyall Book Depot.

7. Without going into the contentions raised in the application under Order XXXIX Rule 2A CPC in respect of violation of the injunction, Ms. Kaul, Id. Counsel, fairly submits on behalf of the Defendants that Mrs. Usha/Defendant No.2 and M/s Kalyani Publishers/Defendant No.1, as also their connected entity M/s Lyall Book Depot, which is run by Mrs. Usha's children, agree that all of them would comply with the undertaking recorded vide previous order dated 22nd November, 2021. Accordingly, the undertaking recorded in order dated 22nd November, 2022, shall also be binding on M/s Lyall Book Depot, which is the entity run by Defendant No.2's husband and children.

8. Accepting the above statement on behalf of Defendant Nos.1&2 as also M/s Lyall Book Depot, to the effect that no further sales of the books shall be made and there would be complete compliance of the order dated 22nd November, 2021, the contempt application being ***I.A. 4340/2022*** is disposed of.

9. The next date before the Joint Registrar shall stand cancelled.

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10. It appears that there is a possibility of an amicable resolution of the dispute between the parties. Accordingly, list before the Delhi High Court Mediation and Conciliation Centre (*hereinafter "Mediation Centre"*) on 24th May, 2022 at 2:00 P.M.



11. Mr. B.D. Singh, the author of the book with respect to the sale of which the contempt application has been filed- 'Fundamentals of Genetics', to also participate in the mediation proceedings, to enable the parties to arrive at a comprehensive resolution of the disputes.
12. Parties to appear before the Mediation Centre either virtually or physically, subject to convenience of all concerned. It shall be ensured that competent officials on behalf of the Plaintiff and the Defendants shall be present in the mediation proceedings.
13. List before Court on 13th September, 2022.
14. In the meantime, a stock statement of the total number of the impugned books lying with M/s Lyall Book Depot, shall be placed on record within four weeks.

PRATHIBA M. SINGH, J.

MAY 11, 2022
dj/ms