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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 635/2023 & I.As. 17627/2023, 7016/2024, 10447/2024,
36982/2024, 37234/2024, 37235/2024, 37289/2024, 37291/2024,
37295/2024

KAPLAN, INC.

.....Plaintiff

Through: Ms. Rima Majumdar, Mr. Kashish
Vij, Ms. Deboleena Dutta, Mrs.
Bindra Rana and Mr. Anuj Dhar,
Advocates

versus

GALAXY BOOK CENTRE & ORS.

.....Defendants

Through: Mr. Dharmendra Sharma and Mr.
Bhupender, Advocates for D-3, D-5
and D-6.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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06.08.2025

I.A. 10447/2024 (Under Order XXXIX Rule 2A CPC)

1. This is an application under Order XXXIX Rule 2A of Code of Civil Procedure, 1908 ['CPC'], filed by the plaintiff seeking directions against defendant no. 2 on the averments that defendant no. 2 has wilfully disobeyed the injunction order dated 13.09.2023 passed in I.A. 17627/2023. The relevant portion of the order dated 13.09.2023 reads as under: -

“26. This is an application by the plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC) seeking *ex-parte* ad interim interlocutory reliefs.

27. Inasmuch as a prima facie case of the defendants' dealing in pirated and counterfeited material it is seen to exist, the plaintiff would be entitled to *ex-parte* ad interim relief on the basis of the



assertions in the plaint which make out a prima facie case in the plaintiff's favour. Where the case involves counterfeiting and pirating, the considerations of balance of convenience and irreparable loss would also weigh heavily in favour of the plaintiff and against the defendants. In a recent order, the Division Bench of this Court has upheld the view of this bench that counterfeiting is a serious economic evil, in respect of which the Court is required to adopt a stricter stance than in other cases.

28. Failure to grant an *ex-parte* order at this stage would result in further release, in the market, of pirated material, which is deleterious to the economic interests of the country itself, especially as counterfeiting and piracy results in unchecked erosion of brand value which may have been earned over years.

29. In view thereof, issue notice on this application. Service to be effected by all modes.

30. Reply, if any, be filed within four weeks with advance copy to learned Counsel for the plaintiff who may file rejoinder thereto, if any, within four weeks thereof.

31. Till the next date of hearing, the following interim orders are passed:

(i) Defendants 1 to 9 and 14 and any other unnamed defendants as well as all others acting on their behalf are restrained from infringing the plaintiff's registered trade mark as well as copyright in the literary works contained in its Kaplan Schweser range of books and study materials, and in dealing in or advertising or promoting the same.

(ii) Defendant 2 is directed to remove, forthwith, all listings or reference relating to the Kaplan Schweser range of books and study materials from its website www.mahakalibook.in. Mr., J. Sai Deepak submits that the plaintiff has come to know that the defendants are also selling the pirated material on another website i.e. www.discounted-books.com, as is apparent from the documents at pdf page 567 of the documents filed with the plaint. The injunction would also, therefore, extend to any pirated material being sold across the said website.

(iii) Defendant 3 is also directed to remove, forthwith, all listings or reference relating to the plaintiff's Kaplan Schweser range of study material from its website www.uniquebookcentre.com.

(iv) Defendants 10, 11, 12 and 13 are directed to take down, forthwith, from their respective platforms, any third-party



listing of the plaintiffs Kaplan Schweser range of books and study materials, forthwith, which is traceable to Defendants 1 to 9.

32. List this application before this Court on 10 January 2024.”

2. Learned counsel for the plaintiff states that order dated 13.09.2023 was duly served on the defendants.

2.1. She states that summons in the suit were served on defendant no. 2 vide speed post on 13.10.2023 and vide e-mail on 19.10.2023. She states that thereafter, defendant no. 2 duly entered appearance on 16.11.2023 through its counsel.

2.2. She states, however, defendant no. 2 has failed to file its written statement and its right to file written statement was closed on 30.04.2024.

2.3. She states that the plaintiff has learnt that despite being served with the copy of the injunction order dated 13.09.2023, defendant no. 2 continues to sell the pirated material.

2.4. She states that this fact was verified, first by placing an order on the listing of the pirated material on Amazon website on 14.02.2024. In this regard, she relies upon document nos. 1, 2 and 3, placed on record along with this application. She states that the books received from Amazon upon verification were found to be pirated. She states that the said books bear the name of defendant no. 2 on the top right-hand corner of the front cover as well as on the back cover of these books.

2.5. She states that additionally, the plaintiff hired a private investigator to physically visit the shop of defendant no. 2; and similarly, the investigator was able to successfully purchase pirated material from defendant no. 2 on 20.03.2024.

2.6. She points out that notice in this application was accepted by the



learned counsel for defendant no. 2 on 08.05.2024; however, till date, no reply has been filed by defendant no. 2 to this application.

2.7. She states that in these circumstances, defendant no. 2, despite being served by the order of the Court continues to sell the pirated material and thus violates the interim injunction order dated 13.09.2023 with impunity.

3. To show, that contents of the defendant's pirated product are verbatim to the contents of the plaintiff's original product, she has handed over the copy of the pirated material purchased from defendant no. 2 [through the Amazon website on 14.02.2024 and physically from the shop of defendant no. 2 on. 20.03.2024] along with the plaintiff's copyrighted material.

4. After perusing the (i) averments made in this application, (ii) the documents filed along with this application as well as (iii) the pirated material produced before this Court, this Court is prima facie satisfied that defendant no. 2 has wilfully violated the injunction order dated 13.09.2023.

5. Moreover, defendant no. 2 despite having notice of this application and the injunction order dated 13.09.2023 has wilfully failed to file any reply to this application, which also raises presumption that defendant no. 2 has no defence to averments made by the plaintiff.

6. This Court, therefore, finds that defendant no. 2 is guilty of disobeying the injunction order dated 13.09.2023. However, before determining the sentence of defendant no. 2 for detainment in the civil prison and imposing costs, this Court deems it appropriate to issue to give an opportunity to defendant no. 2 to address arguments.

7. Accordingly in these circumstances, upon steps being taken by the plaintiff, bailable warrants in the sum of Rs. 1 Lakh be issued to Mr. Ram Lalji Patel i.e., defendant no. 2 herein through the concerned Superintendent



of Police/SHO for service to defendant no. 2, returnable for **19.09.2025**.

8. In addition, defendant no. 2 is directed to file an affidavit, within two (2) weeks making a full disclosure of all bank accounts in the name of defendant no. 2.

9. The plaintiff is directed to email/WhatsApp a copy of this order to defendant no. 2 and counsel for defendant no. 2 for their information and compliance. Affidavit of service be filed within one (1) week.

I.A. 36982/2024 (Under Order XXXIX Rule 2A CPC)

10. This is an application under Order XXXIX Rule 2A of Code of Civil Procedure, 1908 ['CPC'], filed by the plaintiff seeking directions against defendant no. 4 on the averments that defendant no. 4 has wilfully disobeyed the injunction order dated 13.09.2023 passed in I.A. 17627/2023.

11. Learned counsel for the plaintiff states that order dated 13.09.2023 was duly served on the defendants.

11.1. She states that summons in the suit was served on defendant no. 4 vide speed post on 13.10.2023 and vide e-mail on 19.10.2023. She states that an advocate also entered appearance for defendant no. 4.

11.2. She states that the plaintiff has learnt that despite being served with the copy of the injunction order dated 13.09.2023, defendant no. 4 continues to sell the pirated material.

11.3. She states that along with this application, the plaintiff has placed on record the details of the listings under the name of defendant no. 4 on "IndiaMart", which as on 13.08.2024 shows availability of the pirated study material. She refers to book-covers images visible on the listing, which are identical to the plaintiff's book-covers. She states that the name of the author mentioned in the said listings is of the plaintiff itself. She more specifically



relies upon the listing filed as document no. 1 along with this application.

11.4. She states that the plaintiff in order to verify whether defendant no. 4 was still selling the pirated books, contacted defendant no. 4 through WhatsApp on the mobile number mentioned in the said listings. She states that pursuant to the WhatsApp chat, the plaintiff was able to make a purchase of the pirated material from defendant no. 4.

11.5. She states that the payment was made to an entity called Monarch Book Centre, which enterprise is an alter-ego of defendant no. 4 itself. She states that this is apparent from the commonality of the phone numbers, commonality of the Logo, which is used and the fact that the WhatsApp chat led to the payment being accepted by one Monarch Book Centre i.e., the alter-ego of defendant no. 4.

11.6. She states that upon receipt of the books from defendant no. 4, the plaintiff was certain that the said books are pirated and a replica of the original material of the plaintiff.

11.7. She states that notice in this application was issued and duly accepted by counsel for defendant no. 4 on 21.08.2024. However, despite sufficient time having being granted, defendant no. 4 has failed to file its reply to this application and has now stop being represented in these proceedings.

11.8. She states that clearly defendant no. 4 is acting in wilful disobedience of the orders passed by this Court in the present proceedings.

12. After perusing the (i) averments made in this application, and (ii) the documents filed along with this application, this Court is prima facie satisfied that defendant no. 4 has wilfully violated the injunction order dated 13.09.2023.

13. Moreover, defendant no. 4 despite having notice of this application



and the injunction order dated 13.09.2023 has wilfully failed to file any reply to this application, which also raises presumption that defendant no. 4 has no defence to averments made by the plaintiff.

14. This Court, therefore, finds that defendant no. 4 is guilty of disobeying the injunction order dated 13.09.2023. However, before determining the sentence of defendant no. 4 for detainment in the civil prison and imposing costs, this Court deems it appropriate to issue to give an opportunity to defendant no. 4 to address arguments.

15. Accordingly in these circumstances, upon steps being taken by the plaintiff, bailable warrants in the sum of Rs. 1 Lakh be issued to Mohd. Imtiyaz i.e., defendant no. 4 herein through the concerned SHO for service to defendant no. 4, returnable for **19.09.2025**.

16. Defendant no. 4 is directed to file an affidavit, within two (2) weeks making a full disclosure of all bank accounts held in the name of the Mahakal Book Center and Monarch Book Centre.

17. The plaintiff is directed to email/WhatsApp a copy of this order to defendant no. 4 and counsel for defendant no. 4 for their information and compliance. Affidavit of service be filed within one (1) week.

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18. Learned counsel for the plaintiff states that defendant no. 9 has been duly served and has failed to file its written statement within the statutory period of 120 days.

19. None appears on behalf of defendant no. 9. Accordingly, defendant no. 9 is hereby proceeded ex-parte.

20. Learned counsels for defendant nos. 3, 5 and 6 states that cost imposed vide order dated 08.07.2025 stands paid.



21. Learned counsel for defendant no. 3 states that he has filed an application for de-sealing of its inventory, which is likely to be listed in few days.
22. Learned counsel for the plaintiff is directed to take instructions on this application, which already stands served on her and come with appropriate instructions on the next date of hearing.
23. List on **19.09.2025**.

MANMEET PRITAM SINGH ARORA, J

AUGUST 6, 2025/rhc/MG