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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 635/2023**

KAPLAN, INC.

.....Plaintiff

Through: **Ms. Rima Majumdar, Adv.**

versus

GALAXY BOOK CENTRE & ORS.

.....Defendants

Through: **Mr. Dharmendra Sharma and Mr.
Bhupender, Advs. for D-3**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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19.08.2025

I.A. 20158/2025

1. This is an application under Section 151 of the Code of Civil Procedure, 1908 filed by defendant no. 3 seeking release of seized goods lying in the rented premises i.e., Shop No. 4/5/6, Ground floor, BMC Market, Old Nagardas Road, Andheri East, Mumbai 400069 ['shop'].
2. Learned counsel for the applicant/defendant no. 3 states that two (2) photo copy machines, two (2) desktop computers, two (2) laptops and stationery articles are lying inside the shop premises.
 - 2.1. He states that defendant no. 3 is compelled to pay monthly rent of Rs. 12,000/- to the shop owner/landlord, as the goods seized by the Local Commissioner are lying in the shop premises.
 - 2.2. He states that defendant no. 3 is unable to pay the monthly rent; however, landlord continues to charge the monthly rent, as the machines and



the goods are in the custody of the landlord on superdari.

2.3. He states that defendant no. 3 is willing to relocate the machines and the goods to his residential premises, address whereof is mentioned in the affidavit filed in support of this application.

2.4. He states that the seized articles may be released to defendant no. 3 on superdari and he undertakes to comply with any further directions.

3. Issue notice.

4. Learned counsel for non-applicant/plaintiff accepts notice. She states when the local commission was executed, defendant no. 3 was not available at the shop and it was in these circumstances that the seized articles were handed over on superdari to the landlord.

4.1. She submits that upon operating the computers, the e-version of the plaintiff's books were found on the said computers.

4.2. She states that the defendant be directed to file an affidavit giving details of the alternate location, where the seized articles are proposed to be located and preserved for trial.

4.3. She states that considering that defendant no. 3 is a serial infringer and other copyrighted material belonging to third-parties were also found in the shop, no leniency ought to be shown to this defendant.

4.4. She further requests for appointment of same Local Commissioner ['LC'], at the cost of defendant no. 3 to oversee the re-location of the seized articles.

5. In response, learned counsel for defendant no. 3 states that the said defendant is not in a financial position to bear the fees of the LC. He states that however, he has no objection if the plaintiff's representatives accompany defendant no. 3 during re-location of the seized articles from the



shop premises to the residential premises. He states that the plaintiff's representatives can also verify the alternate residential location to which the seized articles are being shifted.

6. He states that he will file an affidavit duly disclosing the proof of his residence and an undertaking that seized articles will continue to remain at the said residential location and will not be removed without the prior consent of the court. He states that the seized articles will be kept on as is basis and the seal will not be opened.

7. This Court has considered the submission of the parties.

8. In view of the aforesaid facts, it is directed that two (2) representatives of the plaintiff shall visit the shop no. 4/5/6, Ground floor, BMC Market, Old Nagardas Road, Andheri East, Mumbai 400069, along with defendant no. 3 on 25.08.2025 at 11:30 AM.

9. The shop owner/landlord of the said shop will cooperate with the plaintiff and defendant no. 3 for removing the seized articles.

10. The seized articles will be relocated to the residence of defendant no. 3, situated at Punjabi Chawl, Gillbert Hill Road, Juhu Lane, Near Farooqa Masjid, Andheri West, Mumbai Suburban, Maharashtra-400058 ['residential premises'].

11. Defendant no. 3 will ensure that all the dues of the landlord are paid over before 22.08.2025, so that there is no hindrance in removing the articles from the said shop on 25.08.2025.

12. The concerned SHO of the local police station, where the shop is located, is requested to oversee the smooth removal of the goods from the shop premises and its transfer to the residential premises. The said SHO shall file a status report in these proceedings, one (1) week prior to the next



date of hearing.

13. At the shop, the defendant no. 3 will carry out a verification of the inventory as per the report of the LC and handover the goods bearing the plaintiff's copyrighted material to the plaintiff. This shall form part of the status report of the concerned SHO.

14. The seal on the photocopy machines, desktop computers and laptops will also be opened and the plaintiff will be entitled to examine the data available and delete if any of its infringing material is available on the said machines/devices.

Before the infringing data is deleted from the machines/devices, the said data shall be copied in a pen-drive and the said pen-drive shall be filed with this Court.

After the said infringing data, if any, is deleted from the said machines/devices, defendant no. 3 will be at liberty to use these machines/devices.

In case, defendant no. 3 has any objection to this process, then the photocopy machines, desktop computers and laptops will remain sealed.

15. The officer deputed by the concerned SHO shall prepare a 'On the spot proceeding', recording removal of goods from the shop and verification of inventory. This proceeding shall be signed by representatives of the plaintiff as well as defendant no. 3 and will form part of the status report.

16. Defendant no. 3 is directed to file an affidavit of undertaking in terms of paragraph no. 6 and accepting the conditions set-out in this order, within three (3) days.

The aforesaid directions will be implemented subject to the affidavit being filed and served on the counsel for the plaintiff.



17. The defendant no. 3 will continue to retain the seized articles in the exact state and form, as kept by the LC with the landlord.

18. With the aforesaid direction, this application stands disposed of.

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19. List on **19.09.2025** i.e., the date already fixed.

20. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

AUGUST 19, 2025/hp/MG