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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1276/2025 & I.A. 29837/2025 I.A. 29838/2025 I.A. 29840/2025**

S CHAND AND COMPANY LTDPlaintiff

Through: Mr. Rahul Beruar, Ms. Nidhi Jain, Ms.
Manini Sidhu and Ms. Aeshna
Raghuwanshi, Advocates

versus

KAUSHAL KUMAR AND ORSDefendants
Through: Ms. Surabhi Pande, Adv. for D-5

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
08.12.2025

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I.A. 29840/2025 (seeking exemption from filing pre-litigation mediation)

1. This is an application under Section 12A of the Commercial Courts Act, 2015, read with Section 151 of the Code of Civil Procedure, 1908, ['CPC'], filed by the Plaintiff seeking exemption from instituting pre-litigation mediation.
2. Having regard to the fact that the present suit contemplates urgent interim relief and in light of the judgment of the Supreme Court in **Yamini Manohar v. T.K.D. Keerthi**¹, exemption from the requirement of pre-institution mediation is hereby granted to the Plaintiff.
3. Accordingly, the application stands disposed of.

¹ (2024) 5 SCC 815



I.A. 29838/2025 (seeking leave to file additional documents)

4. This is an application filed under Order XI Rule 1(4) of CPC [as amended by the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 ('Commercial Courts Act')] read with Section 151 CPC, seeking leave to file additional documents within thirty [30] days.

5. The Plaintiff, if it wishes to file additional documents, shall file the same within thirty [30] days from today, and it shall do so strictly as per the provisions of the Commercial Courts Act and the Delhi High Court (Original Side) Rules, 2018 ['DHC Rules'].

6. Accordingly, the application is disposed of.

CS(COMM) 1276/2025

7. Learned counsel for the Plaintiff states that in pursuance of the order dated 01.12.2025, advance service was effected on Defendant Nos. 1 to 5.

8. He states, however, that notices served on Defendant Nos. 1, 2 and 4 have been returned unanswered. He states service could only be effected on Defendant No. 3 at the second address mentioned in the memo of parties. He requests that Defendant No. 5 be directed to provide the Plaintiff with the addresses available in their record.

9. Let the plaint be registered as a suit.

10. Learned counsel for Defendant No. 5 states that all KYC details available with Defendant No. 5 will be provided within one [1] week. She states that she waives formal service of the summons and accepts the summons on behalf of Defendant No. 5. The said Defendant is directed to file its written statement within thirty [30] days along with affidavit of admission/denial of documents.



11. Upon receiving the details, the Plaintiff is directed to file an amended memo of parties within one [1] week, thereafter registry is directed to issue summons to Defendant Nos. 1 to 4 as per the address mentioned in the amended memo of parties through all modes. This exercise shall be completed by the Plaintiff and Defendant No. 5 within two [2] weeks from today.

12. Summons be issued to Defendants by all permissible modes on filing of the process fee. Affidavit of service be filed within three [3] weeks.

13. The summons shall indicate that the written statement[s] must be filed within thirty [30] days from the date of receipt of the summons. The Defendants shall also file affidavit[s] of admission/denial of the documents filed by the Plaintiff, failing which the written statement[s] shall not be taken on record.

14. The Plaintiff is at liberty to file replication thereto within thirty [30] days after filing of the written statement[s]. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the Defendants, failing which the replication shall not be taken on record.

15. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

16. List before the learned Joint Registrar (J) on **20.01.2026**.

17. List before Court on **06.05.2026**.

I.A. 29837/2025(Under Order XXXIX Rule 1 and 2 CPC)

18. This is an application filed under Order XXXIX Rule 1 and 2, read with Section 151 of CPC, seeking ex parte ad interim injunction against the Defendants.



19. The case set up in the plaint is as follows:

21.1 The Plaintiff/S Chand and Company Limited is a professional and leading publishing house and was founded in the year 1970. It publishes books across various genres for school students, Higher Education, Technical and Professional courses, Engineering courses and applied sciences, reference books for competitive examinations, etc.

21.2 The Plaintiff is the exclusive proprietor of its primary brand S Chand/S Chand School/S Chand Higher Education/S Chand Competition/S Chand Publishing [‘Plaintiff’s marks’] under which the Plaintiff publishes its literary and artistic works.

21.3 Each publication of Plaintiff bears the primary mark, namely S Chand and/or its ‘imprints’, which are the registered trademarks of the Plaintiff.



21.4 Plaintiff’s earliest registration is for  bearing TM no. 702331 in class 16, application dated 20.03.1996, with user claim since 09.09.1970. Earliest registration for the word mark S CHAND is bearing TM no. 5383289 in class 16, application dated 24.03.2022, with user claim since 09.09.1970.²

21.5 The Plaintiff’s physical and digital textbooks are widely available for sale through authorised distributors and booksellers, both in physical and online stores.

21.6 The works published by the Plaintiff contain original literary and artistic works, including illustrations and cover designs, all protected under

² Details of Plaintiff’s various registrations in classes 16, 38, and 41 have been set out in paragraph ‘7’ of the plaint.



copyright [‘Plaintiff’s original copyrighted works’]. These original copyrighted works are recognised across India and are among the most recommended academic texts in leading institutions. Pursuant to agreements with the Authors assigning rights in perpetuity, the Plaintiff holds exclusive publishing, printing, manufacturing, sales, and distribution rights.

Overview of the Defendants

21.7 Defendant No.1/All Book Point, Defendant No.2/Fly Case Gallery, Defendant No.3/Arun Books, and Defendant No.4/Simra Collection are the booksellers/storefronts carrying out the sale and distribution of books infringing the Plaintiff’s copyright and trademarks [‘counterfeit books’]. These counterfeit books are being sold on Defendant No. 5/Flipkart Internet Pvt. Ltd.’s platform.

21.8 All such other third-party book storefronts on Defendant No.5’s platform have been impeded as Defendant No.6/John Doe.

Knowledge about the Defendants’ Infringement

21.9 In March/April 2025, the Plaintiff learnt about the sale and counterfeiting of the Plaintiff’s original copyrighted works via Defendant Nos. 1 and 2’s storefronts on Defendant No.5’ online platform.

21.10 Defendant Nos. 1 to 4 are engaged in infringing activities, including reproducing, printing, manufacturing, exporting, distributing and/or selling infringing, pirated and counterfeit copies of the Plaintiff’s original copyrighted works. List of the counterfeit books being sold by the said Defendants has been tabularised in paragraph ‘24’ of the plaint.

21.11 The Plaintiff also purchased copies of its original titles on 18.08.2025 and 19.08.2025 from the bookstores of Defendant Nos. 3 and 4 available on Defendant No.5’s website. The Plaintiff thereafter engaged the services of its



printers to inspect the procured counterfeit books of Plaintiff's original copyrighted works, whereby it was further confirmed that the books sold are the counterfeit/pirated copies of Plaintiff's original copyrighted works.

21.12 The Plaintiff had also approached Defendant No.5 in April 2025 and issued a formal complaint about the violation of its IP rights on the said Defendant's website. However, even after Defendant No.5's acknowledgement of the issue and discussions, the counterfeit books continue to be available on its website. Defendant No. 5 earns commission from Defendant Nos. 1 to 4 on the sales made on the platform, and therefore, its failure to act on the complaint made by the Plaintiff makes it liable for the reliefs prayed for in the suit.

21.13 The affixation of the Plaintiff's registered trademarks, including its primary marks S CHAND and the associated imprints, on the counterfeit books being sold by Defendant Nos. 1 to 4 on Defendant No. 5's platform constitutes infringement and passing off. An unwary customer who looks at the Plaintiff's trademarks being used on the counterfeit books will assume that there exists a nexus between the Plaintiff and Defendant Nos. 1 to 4.

20. Learned counsel appearing on behalf of Defendant No. 5 states that it shall abide by the directions issued by the Court.

Court's Findings

21. This Court has heard learned counsel for the parties and perused the record.

22. Learned counsel for the Plaintiff states that in pursuance of the order dated 01.12.2025, advance service was affected on Defendant Nos. 1 to 5. He states, however, that notices served on Defendant Nos. 1, 2 and 4 have been returned unanswered. He states that these Defendants were served at the



addresses provided on the GST portal.

23. He states that Defendant No. 3 has been served at the second address; however, none appears for the said Defendant.

24. A bare perusal of the plaint and documents, it prima facie appears that Defendant Nos. 1 to 4 have affixed the Plaintiff's mark as well as the imprints on their counterfeit books of Plaintiff's original copyrighted works. The Plaintiff has affirmed in the plaint on oath that the copies being sold by these Defendants are counterfeit.

25. Defendant Nos. 1, 2 and 4 are not available at the addresses furnished by them to the GST Department. Defendant No. 3 has failed to enter appearance despite service. In these facts, it prima facie appears that Defendant Nos. 1 to 4 are indeed selling counterfeit books with the intent to ride upon the goodwill and reputation garnered by the Plaintiff in order to benefit commercially.

26. To an unwary customer, the counterfeit books being sold on Defendant No. 5's platform would appear either to be the original products being sold by the Plaintiff, or they are likely to associate the counterfeit books with the Plaintiff and would be under the presumption that Defendant Nos. 1 to 4 are the authorised book dealers or distributors of the Plaintiff.

27. In the overall conspectus, the Plaintiff have made out a prima facie case for the grant of an injunction against Defendant Nos. 1 to 4. This Court is satisfied that if an interim injunction is not granted at this stage, irreparable harm/ injury would be caused to the Plaintiff. Balance of convenience also lies in favour of the Plaintiff, and against Defendant Nos. 1 to 4.

28. Accordingly, until further orders, the following directions are being issued:



- i. Defendant Nos. 1 to 4, their partners, principals, proprietor, directors, officers, employees, agents, distributors, franchisees, suppliers, licensees, affiliates, subsidiaries representatives, group companies and assignees is/ are restrained from reproducing, printing, manufacturing, distributing, and selling counterfeit/pirated versions or infringing copies of Plaintiff's original copyrighted works bearing the Plaintiff's marks to any in any other manner whatsoever to infringe/pass off the copyright works and registered trademark of the Plaintiff.
 - ii. Defendant No. 5 is directed to take down the infringing listings of Defendant Nos. 1 to 4 containing the counterfeit/pirated version of the Plaintiff's original copyrighted works from its website, as enlisted in the plaint.
 - iii. The Plaintiff has also impleaded John Doe entities as Defendant No. 6, who could similarly be selling counterfeit books on the e-commerce platform of Defendant No. 5. The Plaintiff is granted liberty to approach Defendant No. 5 with further complaint if it identifies any such third-party entity's listing and upon receiving a complaint Defendant No. 5 will act upon the same within 72 hours. If Defendant No. 5 has any reservation on the correctness of the complaint, it shall communicate the same to the Plaintiff so as to enable it to avail its legal remedies.
29. After amended memo of parties has been filed, registry is directed to issue Notice to all the Defendants, through all permissible modes, upon filing of process fees, returnable on the next date of hearing.
30. Compliance with Order XXXIX Rule 3 of CPC be done within a period



of one [1] week from today. At this stage, compliance will be done through Defendant No. 5 since Defendant Nos. 1, 2 and 4 are unavailable at their last known addresses. Affidavit of service be filed within one [1] week.

31. In light of the submissions made by the Plaintiff as regards the unavailability of Defendant Nos. 1, 2 and 4 at the address provided to the GST Department, issue Court notice to the Standing Counsel of GST along with the paper-book. The GST Department is directed to verify the credentials of Defendant Nos. 1, 2 and 4, who are stated to be registered with the Department at non-existing postal addresses. The GST Department is directed to file its Action Taken Report on or before 20.01.2026.

32. List before the learned Joint Registrar (J) on **20.01.2026**.

33. List before Court on **06.05.2026**.

34. 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

DECEMBER 8, 2025/mt/aa