

14.03.2026

Present: Sh. Nakul Gandhi, Sh. Gurdeep Singh and  
Ms Siddhi Sahoo, Ld. Counsels for the  
plaintiffs.

Defendants are yet to be summoned

1. The present suit has been filed by Malkans Training Institute Private Limited (P-1), Vishal B Malkan (P-2) and Meghana V Malkan ( P-3) (*herein after referred to as "Plaintiffs"*) seeking permanent and mandatory injunctions and also the damages against the defendants alleging infringement of copyright, piracy, plagiarism, infringement of registered trademarks, passing off, unfair competition, dilution, unjust enrichment and allied wrongful acts by the defendants.
2. Vide previous order dated 28.02.2026, certain defects in the present suit were pointed out by this court; pursuant to same, today the plaintiffs have moved an application u/s 151 CPC making a request to allow the plaintiffs to replace page no.85 to 88 of the original plaint. It is stated that there was some defect in the verification clause and certain columns

were lying blank. Now, the plaintiffs have already done the needful and want to replace the aforesaid pages.

3. In view of the submissions made and in the interest of justice, the prayer made by way of the present application is allowed whereby the plaintiffs are allowed to replace the page nos. 85 to 88 filed alongwith the suit with the new pages filed alongwith the present application. Let the needful be done by the Ahlmad. Application is disposed off accordingly.

4. Alongwith the suit, the plaintiff has also filed following three applications:-

- i. An application Under Order XI Rule 4 r/w section 151 CPC.
- ii. An application under section 12 A of the Commercial Court Act seeking exemption from pre-institution litigation mediation in accordance with section 12 A of the Commercial Courts Act,2015.
- iii. An application under order XXXIX Rule 1 & 2 r/w section 151 CPC .

5. I have perused the record and heard the Ld. Counsels for the plaintiffs.

An application Under Order XI Rule 4 r/w section 151 CPC.

6. Vide instant application, the plaintiffs have sought leave of this Court to rely on additional documents which have not been filed alongwith the present suit.
7. Today, Ld. Counsels for the plaintiffs have filed additional documents.
8. The present suit was instituted on 28.2.2026; in terms of order XI Rule 1 (4) CPC, the plaintiff can be permitted to place on record additional documents within 30 days of filing the suit. That period of 30 days is yet to be expired. Thus, in view of the submissions made and in the interest of justice, the additional documents filed on behalf of the plaintiffs today are taken on record. The instant application is disposed off accordingly.

**An application under section 12 A seeking exemption from pre-institution litigation mediation in accordance with section 12 A of the Commercial Courts Act,2015.**

9. By way of this application the plaintiffs have sought exemption from compliance of Section 12 A of the Act stating there is a urgency in the matter which is inherent in the nature of the infringement which is continuing and recurring on the part of the

defendants. Ld. Counsels for the plaintiffs submits that the plaintiffs have also moved an application under Order 39 Rule 1 and 2 read with Section 151 CPC seeking interalia, urgent relief of ad-interim ex-parte injunction against the defendants from indulging in any act of infringement and passing off pertaining to the registered trademark/ copyright of the plaintiffs.

10. As noted earlier, the plaintiffs have filed the present suit for permanent and mandatory injunction restraining the defendants from infringement of trademark/copyright of the plaintiffs and also damages etc. Along with the suit, the plaintiffs have also filed an application under Order 39 Rule 1 and 2 read with Section 151 CPC praying urgent interim relief to the effect that the defendants may kindly be restrained from infringing the trademark/copyrights of the plaintiffs. In addition to that it has also been prayed that the defendants may be directed to take down the infringed material from the websites or their portal.

11. In terms of Section 12 A of the Commercial Court Act, 2015, in case the plaintiff has not contemplated any interim urgent relief, he may not

be allowed to institute a suit unless the plaintiff has exhausted the remedy of pre-institution mediation as per the said provision of law.

12. In the present case, the plaintiffs have sought the relief of Permanent and Mandatory Injunction in the main suit in addition to the other relief claimed and have also filed an application under Order 39 Rule 1 and 2 read with Section 151 CPC seeking urgent interim relief which is yet to be disposed off.

13. That being so, the prayer of the plaintiffs made by way of the instant application would come within the ambit of Section 12 A of the Act, for giving the exemption to them as the plaintiffs have contemplated the urgent interim relief. Having noted so, the plaintiffs are exempted from not going for pre-institution mediation and it would not be fatal to the present case. In this regard, help can be taken from the decision of Hon'ble Supreme Court in the case titled as *"M/s Patil Automation Pvt. Ltd. & Ors. Vs. Rakheja Engineers Pvt. Ltd."*, 2022 SCC OnLine SC 1028. The present application is accordingly disposed of.

**An application under order XXXIX  
Rule 1 & 2 r/w section 151 CPC**

14. It is the case of the plaintiffs that P-1 is a well-known and leading financial education and training institute in India and was founded by P-2 and P-3 in the year 2008; the plaintiffs offer services i.e specialised educational programs on stock market and trading and live workshops, webinars, online courses and proprietary digital content under its trademarked brand name "MALKANSVIEW" (*herein after referred to as "plaintiffs trademark"*); since its inception on 16.06.2014, the plaintiffs have established a substantial reputation and goodwill through continuous and extensive use of its brand and educational content, supported by a wide network of trainers, analysts, technical experts and digital resources, catering to learners across India and abroad.

15. It is further case of the plaintiffs that the content created, published and disseminated by the plaintiffs consists of original literary and cinematographic works, including but not limited to video lectures, webinar recordings, training modules, presentations, course materials and allied

educational resources (*herein after referred to as plaintiffs work*"); the plaintiffs work are created and authored by the P-2 and P-3 and they are the exclusive owners of copyright subsisting in the plaintiffs work within the meaning of the Copyright Act, 1957, and enjoys all exclusive rights therein, including but not limited to the right to reproduce, communicate to the public, distribute, store in any medium and commercially benefit from the same; the plaintiffs exercises its copyright in the plaintiffs Works by lawfully publishing and making the same available through its official website, mobile application, authorised online platforms and social media channels, including but not limited to paid courses and restricted-access educational programs available only to authorised users and subscribers; any reproduction, distribution or communication of the Plaintiffs' Works without the Plaintiffs express permission is unlawful and constitutes copyright infringement.

16. It is stated that John Doe Defendants i.e defendant no. 24 to defendant no.26, owns and operates multiple channels and groups on defendant No.1's platform Telegram LLP, which is owned and

maintained by defendant itself; around 05.10.2023, the plaintiffs discovered that multiple Telegram channels/users and groups i.e John de defendant No. 24 to 26 hosted on the defendant No.1's platform (Telegram LLP) were unlawfully reproducing, distributing, selling and making available the plaintiffs proprietary course content without authorisation; the infringing channels/user were also found to be using the plaintiffs trademarks, trade name, founder's name and image, and course titles in a manner that falsely suggested affiliation, endorsement or authorisation by the plaintiffs; the plaintiffs identified repeated instances of infringement on 05.10.2023 and 07.10.2023, including the operation of Telegram channels impersonating the Plaintiffs; John Doe defendants and various Websites i.e defendant no. 4 to defendant no.23 have without any licence, consent or authorisation from the plaintiffs, illegally hosted, reproduced, uploaded, sold, distributed and made available the plaintiffs work i.e video lectures, webinars, course modules, presentations and digital learning material content through the said Telegram channels and websites; the unauthorised reproduction and dissemination of the plaintiffs

work by the defendant no. 24 to defendant no. 26, through the platform of defendant No.1 and defendant no. 4 to defendant No.23 constitutes a clear violation of the exclusive rights vested in the plaintiffs under the Copyright Act, 1957; despite the Plaintiffs rights being clear and well-established, the infringing content continues to be hosted and disseminated on the defendant no 1's platform, causing grave harm to the Plaintiffs goodwill, reputation, business interests, brand value and mental well-being.

17. It is alleged that in addition to unlawfully reproducing the plaintiffs original works, the defendant No. 4 to defendant No. 26 have also used and misappropriated the plaintiffs trademark which stands validly registered under P-3 name in Class 41 in respect of education, training and financial coaching services; the defendant no. 24 to defendant No. 26, through the platform of defendant No.1, and the websites of defendant no. 4 to defendant No. 23 by using the plaintiffs trademark, trade name and references to the P-2 and P-3, founder of P-1 company, in connection with the infringing content, are deliberately attempting to create a false and

unlawful association with the plaintiffs in the minds of the public, thereby amounting to trademark infringement and passing off.

18. It is further alleged that the defendants are not authorised in any manner to use the plaintiffs trademark or copyrighted content, and the continued unauthorised use thereof is done with intention to deceive consumers, as well as dilute the plaintiffs brand, and to enrich themselves at the plaintiffs expense. The plaintiffs reported the impugned content on multiple occasion, and in the past have reported over 2500 cases of infringement on defendant No.1's platform which have been taken down, yet at present even though complaints have been raised by the Plaintiffs impugned content continues to be made available on the Defendant No.1's platform. The acts of defendant No. 4 to defendant No. 26 are dishonest, mala fide and commercially motivated, causing grave and irreparable harm to the Plaintiffs' goodwill, credibility, reputation and business interests.

19. Ld. Counsels for the plaintiffs during the arguments reiterated the averments as made in the

suit and submitted that there are plethora of judgements on the similar facts where the prayers made by the plaintiffs in such type of cases was allowed. He further submitted that plaintiffs are having a prima facia case in their favour and in case ad-interim injunction, as prayed is not granted it would cause irreparable loss to the plaintiffs.

20. Ld. Counsels for the plaintiffs have relied upon around 32 judicial pronouncements in support of their arguments, which is part of the record.

21. Having perused the documents placed on record by the plaintiffs, I am of the considered opinion that the plaintiffs are entitled for the ad-interim exparte relief to some extent. The material placed on the record including the ownership certificate in the plaintiffs trademark and copyrights therein, are sufficient to establish that plaintiffs have prima facie case in their favour. Prima facie it has come on the record that there is violation and infringement of plaintiffs trademark and copyrights therein. The plaintiffs have also been able to make out a prima facie case that at the platform of defendant no.1, the infringed material is being continuously hosted and disseminated which needs

to be take down from the said platform. The plaintiffs have further been able to establish prima facie that certain defendants are required to be restrained from hosting and publishing the infringed material/content similar to as that of plaintiffs work. Thus, the plaintiffs have made out a strong prima facie case of trademark/copyright infringement and also of passing off in their favour. Balance of convenience also lies in favour of the plaintiffs and irreparable harm would be caused to the plaintiffs if the infringing activities are allowed to continue.

22. Accordingly, defendant no.1 is restrained from posting, hosting, publishing, uploading, distributing, re-publishing or otherwise using, in any manner whatsoever, the Plaintiffs trademark/copyright which is there in the plaintiffs work on Telegram or any other digital platform. Defendant no.1 is further directed to remove/disable and take down the infringing telegram channels/groups/bots/URLs, as pleaded in the plaint within next three days.

23. Defendant no. 4 to Defendant no. 26 are restrained from using the Plaintiffs' trademarks/copyright, trade name or any deceptively

similar mark, in any manner whatsoever, including infringing videos, channels, promotional material or digital identifiers till the next date of hearing.

24. The compliance of Order XXXIX Rule 3 CPC be done by the plaintiffs expeditiously and the plaintiffs shall file an affidavit in this regard.

25. Issues summons of the suit to defendants and notice of application under order XXXIX Rule 1 & 2 r/w section 151 CPC on filing of PF/approved courier/speed post and through electronic modes for **08.04.2026**. Steps be taken within 3 working days.

26. It is clarified that the Written Statement has to be filed by the defendants within 30 days (extendable up to 120 days with the leave of the court and subject to terms) from the date of service of process as per amendment **Proviso of Sub Rule (1) of Order V Rule 1 CPC** as applicable to the **Commercial Courts Act**.

27. At request, copy of order be given dasti.

**(Rajesh Kumar Goel)**  
**District Judge (Commercial)-02**  
**Central, Tis Hazari Courts**  
**14.03.2026**