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

+ **CS(COMM) 325/2026**

**M/S BHARATI BHAWAN PUBLISHERS AND DISTRIBUTORS**

.....Plaintiff

Through: Mr. Rahul Beruar, Ms. Nidhi Jain and  
Ms. Aayushi Tiwari, Advocates.

versus

**YASHIMANI AND ORS**

....Defendants

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

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**27.03.2026**

**I.A. 8144/2026 (Additional Documents)**

1. The present application has been filed on behalf of the plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 ('CPC') as applicable to commercial suits under the Commercial Courts Act, 2015 ('CC Act') seeking leave to place on record additional documents.
2. The plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.
3. Accordingly, the application stands disposed of.

**I.A. 8146/2026 (Pre-Institution Mediation)**

4. This is an application filed by the plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the CC Act.
5. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi: (2024) 5 SCC 815*, exemption from the requirement of pre-institution

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Mediation is granted.

6. The application stands disposed of.

**I.A. 8145/2026 (Exemption from Advance Notice to Defendant)**

7. This is an application filed by the plaintiff under Section 151 of CPC seeking exemption from advance service to the defendants.

8. Mr. Rahul Beruar, learned counsel for the plaintiff submits that there is a real and imminent likelihood that the defendant may take immediate steps to switch the counterfeiting business under a new name/entity.

9. In view of the fact that the plaintiff has sought an urgent *ex-parte ad-interim* injunction, the exemption from advance service to the defendant is granted.

10. The application is disposed of.

**I.A. 8147/2026 (Seeking Additional time to file Court fees)**

11. The present application has been filed by the plaintiff under Section 149 read with Section 151 of CPC, seeking exemption from payment of Court Fees at the time of the filing of the suit.

12. Considering the submissions made in the present application, an extension of ten (10) days is granted to affix the requisite court fees.

13. The application stands disposed of.

**I.A. 8143/2026 (Order XXXIX Rules 1 & 2, CPC)**

14. Present application has been filed on behalf of the plaintiff under Order XXXIX Rules 1 & 2 of CPC, 1908 seeking *ex-parte ad-interim* injunction against the defendants.

15. Plaintiff claims that it is one of the leading publishing houses specializing in educational books including e-books widely used in school and college curriculums since 1943, with a pan India footprint. The Plaintiff is a prominent publisher for School Boards such as the Central Board of Secondary Education (CBSE), the Council for the Indian School Certificate



Examination (CISCE) and various State Boards such as the Bihar School Examination Board (BSEB), the Jharkhand Academic Council (JAC) and West Bengal Council of Higher Secondary Education (WBCHSE) in various vernacular languages.

16. Plaintiff claims to have been established in 1943 by Mr. Ram Mohan Bose in Patna with the ideology to ensure publication and availability of premium quality books at affordable prices for the public at large. Plaintiff further claims that it has been publishing educational content in social media platforms, based on a comprehensive analysis of the contemporary requirements of the students and promoting their learning and knowledge. The plaintiff, apart from publishing educational books as per Educational Boards Curriculum, is also engaged in publishing various reference books including books for competitive exams.


17. Plaintiff claims that it has embraced the new education policy and has dynamically adapted its publishing accordingly alongwith initiating various campaigns to educate the educators about the changes brought about by the NEP and led training programs for the same. Plaintiff also claims that its catalogue has over thousand titles including highly acclaimed titles authored by highly acclaimed and renowned authors such as Concepts of Physics by Dr. H.C. Verma, Mathematics by Dr. R.S. Aggarwal; Essential ICSE Mathematics by Asit Das Gupta and A Kumar, Essential ICSE History and Civics by Sagarika Mukherji etc.,

18. Plaintiff claims that all its literary and artistic works published by its under its primary mark 'BHARATI BHAWAN' publishers and distributors



and its logos / . Plaintiff claims that it has obtained trademark registration for the mark 'BHARATI BHAWAN Publishers and Distributors'



and its logo  , in respect of goods and services in classes 16,38 and 41, the same is enumerated in para 8 of the plaint, which is extracted hereunder:-

S.No.	Trade Mark no./Applica tion no.	Trade Mark	Date of application	Class	Status as on 26.02.2025
1.	1156652		09/12/2002	16	Registered and valid upto 09.12.2032
2.	4281828	<i>AssignmentPack</i>	02/09/2019	16	Registered and valid upto 02.09.2029
3.	4281829	<i>HolidayPack</i>	02/09/2019	16	Registered and valid upto 02.09.2029
4.	4670943		23/09/2022	9	Registered and valid upto 23.09.2030.
5.	4670942		23/09/2022	16	Registered and valid upto 23.09.2030
6.	4198578	<i>TermPack</i>	06/06/2029	16	Registered and valid upto 06.06.2029



7.	6521589		11/07/2024	16	Registered and valid upto 11/07/2034
8.	6359028		21/03/2024	9	Registered and valid upto 11/07/2034

19. Plaintiff claims that the works published by it are original and authentic publications which cover a wide spectrum of subjects and the said original and copyrighted publications of plaintiff are now recommended/prescribed books at various leading universities/institutions in India. The publications of the plaintiff on scientific and technical subjects and particularly on science and mathematics are authored by the most distinguished specialists and academicians of the respective subjects which are the pioneers in the field.

20. Plaintiff claims that it is one of the largest and most successful textbook publishers in India with a longstanding presence in the creation, publication, manufacture, printing, marketing, distribution and sale of a comprehensive range of educational content in both traditional and digital formats, catering to authors and students across virtually all subjects, and that such subject works are among the most popular and widely prescribed academic materials used extensively in schools and are available across multiple distribution channels including physical and online marketplaces.

21. Plaintiff claims that it undertakes substantial investment in the creation and publication of educational content, including costs relating to author royalties, copyright acquisition, editing, typesetting, layout, printing, binding, distribution, promotion and support for educational teams and offices. Plaintiff also claims that its original copyrighted works have been authored,



published and made available in India and abroad through authorized distributors and booksellers, and that such works are among the most recommended and prescribed books in leading schools and educational institutions.

22. Plaintiff claims that the works constitute original literary and artistic works, first published in India, containing not only textual content but also illustrations, figures, tables, drawings, charts, photographs and other artistic components, along with unique cover designs, and that the plaintiff is the exclusive owner of all rights therein by virtue of agreements with authors granting perpetual publishing and distribution rights.

23. Plaintiff claims that it is the exclusive rights holder in the said works under applicable copyright law, including all rights vested exclusively in it without any restriction, and that the plaintiff continuously exploits such works commercially. Plaintiff also claims that it prominently uses its well-known trade marks on the said works and that such marks signify source and origin, with detailed identifiers such as holograms, ISBN numbers and other publication details being incorporated to establish authenticity.

24. The plaintiff claims that the plaintiff first became aware of the infringing activities on defendant no.18's website and platform on 15.01.2026, upon receiving information that defendant no. 3 was offering counterfeit and pirated copies of the Subject Works on the said platform. On 17.01.2026, the plaintiff's representative received further information regarding the sale of counterfeit and pirated books by defendant nos.1, 2, and 4 on the same platform, followed by information concerning defendant nos.5 to 10 and 17. Similar information was received on 21.01.2026 in relation to defendant no. 11 and on 22.01.2026 with respect to defendant nos.12 to 16. The plaintiff claims to have subsequently confirmed the infringing activities by placing test purchase orders and receiving counterfeit and pirated books



sold by the defendants through defendant no.18's website and platform.

25. The plaintiff claims that upon inspection of the test purchased copies, it was confirmed that the books sold by defendant nos.1 to 17 were all counterfeit and pirated copies of the plaintiff's original publications. The plaintiff submits that to combat the widespread infringement and counterfeiting of its publications, it has from time to time devised and implemented various measures to enable identification of genuine copies of its books. The plaintiff states that it currently employs a unique 3D security sticker affixed to the cover page of each copy of the Subject Works, which sticker is manufactured using specialized technology developed by a Swedish firm, is light grey in colour, smooth and thin in texture, and comprises three layers incorporating the plaintiff's trademarked logo along with the textual elements "Bharati" and "Bhawan" depicted in two separate components.

26. The plaintiff claims that owing to its three dimensional effect the logo and textual elements appear at varying depths, exhibit movement upon tilting of the book, and at a particular angle the logo temporarily disappears from view. The plaintiff submits that only those books which contain information regarding the security sticker and bear a security sticker incorporating all the aforesaid features shall be deemed genuine copies published and sold by the Plaintiff, and that the absence of any one or more of the said features renders such book an unauthorized reproduction and counterfeit copy.

27. The details of defendant nos. 1 to 17, being the infringing sellers and store fronts operating on defendant no. 18's platform, as identified by the plaintiff through test purchases, as enumerated in para 28 of the plaint are set out below:

<b>Defendant No.</b>	<b>Owner &amp; Trade Name</b>	<b>Address &amp; GST No. (If any)</b>	<b>Titles/books/date of purchase along with price</b>	<b><u>LINK</u></b>
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1.	<b>Sold By Yashimani</b>	Hindu Meerpur Tropical city Ghaziabad Hindu Meerpur Tropical city Land Mark : Ghaziabad state uttar Pradesh loni - 2011021	10th Class RS Aggarwal 281/- <b><u>Date of purchased</u></b> 17/01/2026	<b><u>LINK</u></b>
2.	<b>Sold By</b> Rahulbooks8055,	KHASRA NO. 21//16, 21//25, 22//20/2, 22//21 & 25//5/1, 24//1, 25//5/2 & 25//6/1, 24//9 & 24//10, 25//7, 20//24, 20 //25, 21//19, 21//21, 21//22, 21//23& 21//24, AND OTHERS, VILLAGE SANPKA, TEHSIL FARUKHNAGAR, DISTRICT GURUGRAM, HARYANA, INDIA- 122503, HARYANA, IN-HR, India- 122503	10th Class RS Aggarwal 297/- RS. <b><u>Date of purchase</u></b> 17/01/2026	<b><u>LINK</u></b>
3.	<b>Sold By</b> RAMDEVBOOKS0007	Ramdev Mishra, 279 New Ajanta Park, Khora Colony, Near Kaushik Builders, Noida - 201301	10th Class RS Aggarwal 273/- RS. <b><u>Date of purchase</u></b> 15/01/2026	<b><u>LINK</u></b>
4.	<b>Sold By</b> EARTHOUTSIDE	B 70 202, VISHKARMA COLONY LAL KUAN PUL PEHLAD PUR, CHURASIYA TRADER, NEW DELHI - 110044	10th Class RS Aggarwal 307/- RS. <b><u>Date of purchase</u></b> 17/01/2026	<b><u>LINK</u></b>



5.	<b>Sold By</b> Shinchan Book Store Owner : SACHIN SRIVASTAV	Address Eazy home stay, Nanak ki Puliya Khora goan Landmark : Near Barclay's office sector 62 District : Ghaziabad State : Uttar Pradesh, NOIDA -201301	10th RS Aggarwal 307/-RS.  <b><u>Date of Purchase</u></b>  20/01/2026	<b><u>LINK</u></b>
6.	<b>Sold By</b> Schovertime007 Owner NEELU	Address H NO 374 NEW AJANTA PARK KHORA COLONY, NEARBY GOLDEN PALACE , GOLDEN PALACE , ,, NOIDA -201301	10th RS Aggarwal 311/-RS. <b><u>Date of purchase</u></b> 20/01/2026	<b><u>LINK</u></b>
7.	<b>Sold By</b> Heartbook Owner Sehaj books	358/28-A HANUMAN GALI NO.1 MANDAWALI, near aadarsh bal bharti school Landmark : Shiv Mandir District : East Delhi State : Delhi, NEW DELHI - 110092	10th RS Aggarwal 293/-RS.  <b><u>Date of Purchase</u></b>  20/01/2026	<b><u>LINK</u></b>
8.	<b>Sold By</b> Shakti BOOK	Address : A-139 shiv mandir marg, Mandawali , Near axis atm, NEW DELHI - 110092	Concept Of Physics Set Of 2 Volume 635/-RS.  <b><u>Date of Purchase</u></b>  20/01/2026	<b><u>LINK</u></b>
9.	<b>Sold By</b> Shiraj Book Seller Invoice Name sirajuddin book store	Address ajjpur mode, sabzi mandi near by dhanuli Landmark : rawat market District : agra State : uttar pradesh, AGRA - 28200	Concepts Of Physics - HC Verma - Volume 1 And 2 - Combo 2024- 2025 534/-RS.  <b><u>Date of Purchase</u></b>  20/01/2026	<b><u>LINK</u></b>



10.	<b>Sold By</b> Sandeep Bookstore1	Address: 123/11 House no, Sunita vihar loni , Loni , , LONI -201102.	Concepts Of Physics - HC Verma - Volume 1 360/-RS.  <b><u>Date of Purchase</u></b> 20/01/2026	<b><u>LINK</u></b>
11.	<b>Sold By</b> KrishnaEnterprisess2	Address : Shop no.4, Radheyshyam phase 1 , Roms pizza , MURADNAGAR , , GHAZIABAD - 201206	Secondary School Mathematics For Class 12 493/-RS.  <b><u>Date of Purchase</u></b> 21/01/2026	<b><u>LINK</u></b>
12.	<b>Sold By</b> Devilwatch Invoice Name DEVIL	KH NO-871, KESHAV NAGAR Landmark : IBRAHIMPUR District : DELHI State : DELHI, NEW DELHI - 110036 GST: <b>07BEXPY4393A1ZT</b>	Secondary School Mathematics for Class 9 301/-RS. <b><u>Date of Purchase</u></b> 22/01/2026	<b><u>LINK</u></b>
13.	<b>Sold By</b> 100CREATION Invoice Name Divyanka Creation,	Address Darshan Vihar,, 25 - Feet Road, Landmark : Shop No - 11 District : Burari State : New Delhi, NEW DELHI -110084 GST: <b>07JOLPK7813B1ZT</b>	Senior Secondary School Mathematics for Class 11 Examination 385/-RS.  <b><u>Date of Purchase</u></b> 22/01/2026	<b><u>LINK</u></b>



14.	<b>Sold By</b> shikhabooks Invoice Name <b>Shikha</b>	Address DI34 south ganesh nagar, near hariyana sweets , delhi 110092, NEW DELHI - 110092	Concepts of Physics - HC Verma - Volume 1 and 2 - Combo Set of 2 Books 608/-RS. <b>Date of purchase</b> 22/01/2026	<a href="#"><u>LINK</u></a>
15.	<b>Sold By</b> Boooks Invoice name <b>Aanshi Creation</b>	Address House no 3469/07, KHNO-124/25 Gali no 88 , Sant Nagar Burari , sani mandir , sani mandir , , NEW DELHI - 110084 GST: 07CISPP5011J1ZX	Secondary School Mathematics for Class 11 - R.S. Aggarwal 432/-RS. <b>Date of Purchase</b> 22/01/2026	<a href="#"><u>LINK</u></a>
16.	<b>Sold by</b> Shreevani Sales	Address Shivam Sales Shop no 334, Khatta Landmark : Khatta Phaladpur District : Baghpat State : U P, UTTAR PRADESH, IN-UP, India - 250615	Secondary School Mathematics for Class 9 301/-RS. <b>Date of Purchase</b> 22/01/2026	<a href="#"><u>LINK</u></a>
17.	<b>Sold By</b> Harsh Samrat Gautam Rahul Book Seller Owner Rahul Gautam	Address C-2/308, Street no 12 Harsh Vihar Landmark : Backside of saint marks school District : North East State : Delhi, NEW DELHI - 110093  <i>Screen shot of the Flipkart seller Annexure E</i>	10th RS Aggarwal 304/-RS. <b>Date of Purchase</b> 20/01/2026	<a href="#"><u>LINK</u></a>  <a href="#"><u>LINK</u></a>

28. The plaintiff claims that defendant Nos. 1 to 17 are engaged in reproducing, printing, manufacturing, exporting, distributing, and selling



infringing, pirated, and counterfeit copies of the Subject Works without any authorization from the plaintiff, and by affixing the plaintiff's registered trademarks including the primary mark 'BHARATI BHAWAN Publishers



and Distributors' and its device logo/ on such infringing copies being sold on defendant No. 18's platform. The plaintiff submits that such use of its marks is identical to the manner in which the plaintiff uses them on its original Subject Works, thereby deceiving innocent customers into believing that the infringing copies are sourced from the plaintiff and causing them to wrongly assume an association between the plaintiff and the defendants. The plaintiff submits that it has never authorized any of the defendants to use its registered trademarks in any manner whatsoever.

29. Predicated on the above, the plaintiff seeks an *ex-parte ad-interim* injunction against the defendants.

30. Heard Mr. Rahul Beruar, learned counsel for the plaintiff, perused the pleadings and examined the records.

31. Since the plaintiff claims infringement of its copyright, trade dress and packaging, it may be appropriate to compare the impugned products with those of the plaintiff. The two products were visually checked by this Court. Not only visual similarity but deceptive visual similarity to the extent that the distinction was not discernible to the Court was noted. However, what was found on such inspection was that the infringing products were of substandard and poor quality with the quality of paper used for printing the copyrighted material was substandard; the adhesive used also of a poor quality and one could observe the sheets of paper separating at certain places. However, one remarkable difference was with respect to the missing Hologram referred to by the plaintiff in its plaint. None of the infringing products had a hologram at



all. Though, the note in white colour print in small font at the bottom of the cover page on black background mentioned hologram sticker for genuineness of the product, yet astonishingly did not have the hologram anywhere on the infringing product at all. The printing quality on the cover page with the logo was also very poor. Strikingly, the logo of the plaintiff was placed at the same place as that of the plaintiff.

32. The absence of hologram stickers points out to the prima facie fact that the infringing products are counterfeit and ostensibly, the defendants have no permission of the plaintiff or any license from it. The reproduction without authorisation of the owner of the copyrighted works, the essential arrangement of the elements and placement of the words and letters not only on the cover page but inside as well are clear pointers of counterfeit products. On a careful examination it is also observed that the manner in which the names of the authors, the style and font used for the course Subject, the placement of the logo on top right corner and the other design in the centre of the books etc also indicate illegal adoption and unauthorised use of the logo and the trade dress as well.

33. The defendants have offered for sale such infringing and counterfeit products online through various e-commerce platforms which may tarnish the goodwill and reputation of the plaintiff. Such counterfeit products are most likely to also dilute the reputation, goodwill, brand name and popularity of the plaintiffs registered trade mark as well as its copyrights over the label/logo, trade dress etc. Some of such websites are extracted hereunder for clarity:



### Defendant no.1:-

### Defendant no.2:

### Defendant no.3:

34. In view of the above, it is evident that the plaintiff has made out a *prima facie* strong case in its favour. Clearly the infringing products appear to



be counterfeit and cheap imitation, thus the balance of convenience is tilted in favour of the plaintiff. The plaintiff may suffer irreparable loss and injury which may not be adequately compensated in monetary terms in case the defendants are not enjoined.

35. Accordingly, the following directions are passed:-

- a. Defendant Nos. 1 to 17, their directors, proprietors, partners, managers, employees, principals, agents, associates, affiliates, licensees, distributors or any and all other acting on their behalf directly or indirectly, as the case may be are restrained from reproducing, printing, manufacturing, distributing, and selling counterfeit or pirated versions or infringing copies of plaintiff's original copyrighted works to any individual or entity within India;
- b. Defendant no.18/Flipkart, their directors, proprietors, partners, managers, employees, principals, agents, associates, affiliates, licensees, distributors, or any and all other acting on their behalf directly or indirectly, as the case may be are restrained from listing on its website/platform the counterfeit or pirated versions or infringing copies of plaintiff's original copyrighted works offered for sale by defendant Nos. 1 to 17 or any such third party as identified by the plaintiff, engaged in infringement of Plaintiff's copyright and or trademarks;

36. Issue notice.

37. If any further infringing websites are discovered by the plaintiff, which are found to be offering or dealing in the plaintiff's books under the plaintiff's logo/trademark/trade dress, the plaintiff shall be at liberty to approach the learned Joint Registrar (Judicial) by filing an appropriate application under Order I Rule 10 of CPC for impleadment of such infringers.

38. For extension of the present *ex-parte ad-interim* injunction against such



newly discovered infringers, the plaintiff shall also be at liberty to approach this Court in accordance with law.

39. Let a reply to this application be filed by the defendants within four weeks from service. Rejoinder, thereto, if any, be filed within two weeks thereafter.

40. Compliance of Order XXXIX Rule 3 of CPC shall be done within ten days from date.

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41. Let the plaint be registered as a suit.

42. Upon filing of the process fee, issue summons of the suit to the defendants through all permissible modes.

43. The summons shall state that the Written Statement shall be filed by the defendants within 30 days from the date of the receipt of summons. Alongwith the Written Statement, the defendants shall also file Affidavit of Admission/Denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.

44. Liberty is granted to the plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the plaintiff, an Affidavit of Admission/Denial of the documents of defendants be filed by the plaintiff, without which the Replication shall not be taken on record.

45. In case any party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

46. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

47. List before the Joint Registrar (Judicial) on 09.07.2026 for completion of service and pleadings.



48. List before the Court on 22.09.2026.

**TUSHAR RAO GEDELA, J**

**MARCH 27, 2026/rl**