



2026:DHC:8428



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**# **CNR No. DLHC010243772021**+ **EX.P. 49/2021 and EX.APPL.(OS) 855/2021, EX.APPL.(OS) 1192/2025**Date of Decision: **23.09.2026****IN THE MATTER OF:****DELHI PUBLIC SCHOOL SOCIETY**

.....Decree Holder

Through: **Mr. Puneet Mittal, Sr. Advocate with
Ms. Sakshi Mendiratta, Advocate.**

versus

DEEPAK KUMAR PAL

.....Judgement Debtor

Through: **Ms. Archana Sahadeva, Mr. Nikunj
Beralia and Ms. Shiwangi Singh,
Advocates along with JD in person.****CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

The present Execution Petition has been filed by decree holder under Order XXI, Code of Civil Procedure, 1908 (CPC) seeking enforcement of the consent decree dated 10.01.2017 passed by this Court in CS (Comm.) No. 404/2016.

2. By way of the present petition, the Decree Holder, *inter alia*, seeks directions to the judgment debtors to comply with the aforesaid decree and the undertaking given by them before this Court on 29.11.2016, as recorded in the said decree.

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3. Mr. Puneet Mittal, learned Senior Counsel for the decree holder, states that the decree holder came to know on 20.06.2021 that judgment debtor no.1 Mr. Deepak Kumar Pal was dealing with and using the mark “Delhi Public International School”, which was deceptively similar to the decree holder’s trademarks. He submits that, despite the decree and undertaking, Mr. Pal had applied for registration of the said mark on 30.01.2017 on a “proposed to be used” basis.

4. He further states that judgment debtors nos. 4 and 5 are using the names “Delhi Public International School” and “DPIS” with a deceptively similar logo, while judgment debtor no. 6 is using “Delhi Public School” and “DPS” with an identical logo, in violation of the decree dated 10.01.2017.

5. Ms. Archana Sahadeva, learned counsel appearing for judgment debtor nos. 1 and 3 submits that judgment debtor no. 2 has expired and that debtor no. 1 ceased to be a director of judgment debtor no. 3 in 2019, and the name of judgment debtor no. 3 has been struck off from the Registrar of Companies. She further submits that none of the franchise agreements disclosed in the affidavit dated 29.03.2023 remains subsisting, all such agreements having expired by efflux of their respective five-year terms and having not been renewed thereafter.

6. She further submits that the trademark applications were filed under a mistaken understanding of the earlier affidavit, the judgment debtor tenders an unconditional apology and an application seeking cancellation of the trade mark application no. 4108312 is filed before the Trade Marks Registry on 24.10.2025. It is further submitted that the website of Delhi Public International School Organisation has been taken down, and the judgment

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debtor undertakes to initiate the process of dissolving the said organisation i.e. Delhi Public International School Organisation.

7. I have heard the learned counsels and perused the record.

8. In the Original Suit, the Delhi Public School Society sought protection of its trademarks, Delhi Public School, “DPS” and Logo/crest. Mr. Deepak Kumar Pal, judgement debtor no.1 and Ms. Purabi Dutta judgement debtor no.2, were the Directors of judgement debtor no.3 i.e. the Delhi Public School Private Limited, while the other judgement debtors were different schools/entities operating under the name/mark of Delhi Public School and were connected as franchises

9. By the decree dated 10.01.2017, the defendants, including judgment debtors nos. 1-3 and the concerned franchisees, were permanently restrained from using “DPS”, “Delhi Public School”, the plaintiff’s logo/crest or any identical/deceptively similar mark, and the undertakings given by the concerned defendants were accepted and made binding. The terms of the decree are extracted as under: -

“This suit coming on this day for final disposal before this Court in the presence of counsel for the parties while defendant Nos.2, 8, 11 and 16 were proceeded ex parte vide order dated 29.11.2016 as aforesaid; it is ordered that a decree of permanent injunction be and the same is hereby passed in favour of the plaintiff and against the defendant Nos. 1 to 9, 11, 12, 14, 15 & 16 restraining the defendants, their directors, trustees, managing committee members, office bearers, franchisees, officers, servants, agents, employees, delegates, representatives, assigns, associates and all others acting for and on their behalf from:-

a) offering for service, advertising, offering for sale, adopting, using and/or dealing in any manner with the well known trade



marks/ name 'DPS' and logo of the plaintiff or any other trade mark identical or deceptively similar to the plaintiff's above mentioned trade marks amounting to infringement of the plaintiff's said trade marks and further

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restraining from them from representing in any manner that they are connected with the plaintiff;

b) using the impugned trade mark/ name 'DPS', 'DELHI PUBLIC



SCHOOL' and

c) directly or indirectly reproducing, using and/ or dealing in



any manner with the plaintiff's registered crest, or any other crest identical or deceptively similar to it amounting to infringement of the plaintiff's copyright in the said crest.

It is further ordered that the defendant Nos.3 to 5 are permitted to use the old name and the old certificates impugning which this suit was filed only for the purposes of enabling the students in Classes Xth and XIIth of the 2016-17 academic session to take the examination of any education board and not for any other purpose.

It is further ordered that the defendant no.10 is directed to transfer the domain name www.info@dpsbalasore.com to the plaintiff.

It is further ordered that the defendant no. 13 is directed to transfer the website www.dpsservice.org from the name of the defendant no.12 to the name of the plaintiff.

It is further ordered that the defendant No.8 is also directed to upon the plaintiff complying with the requisite formalities, transfer the website www.delhipublicschoolindia.net and "www.dps11dfaridabad.com" in favour of the plaintiff.

It is further ordered that the undertakings of the defendant Nos. 1, 4, 5, 6, 7, 9, 12, 14 and 15 are accepted and the said defendants are bound therewith (copy of order dated 29.11.2016 enclosed.)

It is further ordered that the plaintiff, defendant no. 10 and defendant no. 9 are bound by their statements given in Court today i.e. 29.11.2016 (copy of order dated 29.11.2026 enclosed).

It is lastly ordered that the plaintiff and defendant Nos. 1 to 9, 11, 12, 14, 15 & 16 are left to bear their own costs."

10. Vide order dated 21.03.2023, this Court granted liberty to judgment debtor no. 1 to file an affidavit in terms of the statement made by him before the Court and directed him to disclose therein the particulars of the franchises granted by him qua the impugned marks, the revenue earned therefrom, and the details of trademark applications filed by him across

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jurisdictions for trademarks similar to the impugned marks. Pursuant thereto, judgment debtor no.1 filed the said affidavit on 29.03.2023.

11. The affidavit records the position of judgment debtor no. 1 regarding the trademark applications and the impugned marks. It discloses the applications filed before the Trade Marks Registry and records the undertaking of judgment debtor no. 1 to withdraw applications for marks similar or deceptively similar to “Delhi Public School” and to refrain from using any such marks in future. The affidavit also discloses the franchises operated under the impugned marks during the relevant period and the revenue derived therefrom.

12. In view of the aforesaid submissions and the steps taken by the judgment debtors, this Court is of the view that the grievances of the decree holder, as raised in the present execution petition, stand duly addressed. judgment debtor no.1 has already taken steps for cancellation of the registration of the impugned device mark, the franchise agreements disclosed before this Court have since expired and have not been renewed, thereby mitigating the grievance of the decree holder insofar as judgment debtor nos.4 and 5 are concerned, the website of Delhi Public International School Organisation has been taken down, and judgment debtor no.3 has been struck off from the records of the Registrar of Companies.

13. It is further pertinent to note that judgment debtor no. 6, by way of affidavits dated 03.11.2021 and 17.04.2023, has already undertaken to comply with the decree and not to use the name or crest of DPS Society in any manner. The judgment debtor has also stated that the school at Sector 11-D, Faridabad is now being run under the name and style of “DKN Global School”, and that the earlier social-media accounts have been discontinued

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and steps have been taken for their deactivation.

14. During the course of hearing, Mr. Mittal draws the attention of this Court to the affidavit dated 29.03.2023 filed by judgment debtor no.1, particularly paragraph 11 thereof, and submits that, as disclosed therein, a sum of Rs. 96,50,717/- was earned from the franchisees and is accordingly payable to the decree holder.

15. It is a settled principle that an executing court cannot travel beyond the decree under execution and is required to execute the decree as it stands, it cannot grant a relief which does not form part of the decree or thereby create a new decree. In **Rameshwar Dass Gupta v. State of U.P.**,¹ the Supreme Court held that an executing court exceeds its jurisdiction where it grants a relief which was not part of the decree. In **Deepa Bhargava v. Mahesh Bhargava**,² the Supreme Court reiterated that an executing court cannot go behind or modify the decree and must execute it as it stands.

16. Likewise, in **Meenakshi Saxena v. ECGC Ltd.**,³ the Supreme Court held that, while interpreting a decree, the executing court cannot draw a new decree. In the present case, the decree dated 10.01.2017 contains no direction for payment of the sum of Rs. 96,50,717/- to the decree holder. Consequently, no direction for payment of the said amount can be issued in the present execution proceedings.

17. In the aforesaid circumstances, no further directions are called for in the present execution proceedings. The decree holder, however, shall be at liberty to take such other appropriate recourse as may be permissible in law, including in respect of any other aspects relating to the franchises.

¹ (1996) 5 SCC 728

² (2009) 2 SCC 294





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18. With the aforesaid liberty, the present execution petition, along with the pending applications, stands disposed of.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

SEPTEMBER 23, 2026/aks/SA

³ (2018) 7 SCC 479

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