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

Date of Decision: 27th August, 2018

+ **CS (COMM) 349/2018**

A PARTHASARATHY Plaintiff
Through: Mr. Aditya Dewan, Ms. Iti Agarwal
Verma and Ms. Tamanna Goyal,
Advocates with Mr. Siddharth Jain in
person. (M:9560795595)

versus

SWAMI PARTHASARATHY & ANR. Defendants
Through: Mr. Peeyoosh Kalra, Ms. Sona
Babbar and Mr. Vishal Aggarwal,
Advocates. (M:9810651177)

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

I.A. 11394/2018 in CS (COMM) 349/2018

1. The present suit for permanent injunction restraining infringement of copyright, damages, etc. was instituted by the Plaintiff on the ground that one of his literary works known as '*Vedanta Treatise: The Eternities*', 11th edition was infringed by the Defendants by publishing a book titled '*Vedanta for Modern World*'. The case of the Plaintiff is that the Plaintiff is a world renowned philosopher and had published the said work after over 30 years of research. He is a philosopher well acclaimed in the field of Vedanta. It is also stated that the Plaintiff runs the Vedanta Academy, which is a well known academy for scriptures in Vedanta located in Maharashtra. The Defendants' book had been released in the World Book

Fair and upon comparison of the same, the Plaintiff realised that the same is a complete reproduction and verbatim copy of the Plaintiff's 'Vedanta Treatise'. This Court on 16th May, 2014 had passed an injunction order in the following terms.

“.....

In view of the above, the plaintiff has been able to make out a good prima facie case in his favour for grant of an ad-interim order. In case the interim order is not passed, the plaintiff will suffer irreparable loss and injury. Till the next date of hearing, the defendants, their partners, officers, servants, agents, dealers, representatives, assignees, firms, corporations, associations and/or otherwise are restrained from in any manner reproducing, distributing, publishing and/or selling the infringing book titled “Vedanta For Modern World” or otherwise infringing any copyright work including Vedanta Treatise: The Eternities of the plaintiff.

Compliance under Order XXXIX Rule 3 CPC be made within ten days.

.....”

2. Thereafter, the matter was considered from time to time. The Plaintiff had moved CCP No.59/2015 alleging various acts of contempt by the Defendants. Issues were framed on 19th October, 2016. On 14th March, 2017, this Court had accepted the unconditional apology by the Defendants and both the CCPs were disposed of. Thereafter, the Court had, on 12th July, 2017, appointed a Local Commissioner for recording of the evidence in the matter. The Defendant has moved the present application being IA No.11394/2018. In the present application, the Defendant No.1 submits that he is a monk and he had published the book only for spiritual purposes and not for a commercial motive. It is also stated in paragraphs 3 to 5 as under:

“.....

3. *It is submitted that, without prejudice to the defence of the Defendant No.1 as detailed in the Written Statement filed before this Hon'ble Court, Defendant No.1 as a monk does not see any fruitful purpose in either claiming any rights to the alleged work or suffering a restraining order on account of claim by the Plaintiff.*

4. *In view thereof, Defendant No.1 by way of present application, without prejudice to his rights and contentions as submitted in his Written Statement, submits that he is willing to suffer a decree of permanent injunction as prayed in Prayer A of the plaint and also willing to hand over the copies of the books available with Defendant No.1 as prayed for in prayer B of the plaint.*

5. *The offer aforesaid as prayed for in the preceding paragraph is without prejudice to the rights and contentions of Defendant No.1 and subject to the allowing of the plaint and disposal of the suit in terms of the prayers aforesaid.*

.....”

3. Accordingly, in the I.A., it is prayed that appropriate orders be passed disposing of the suit.

4. A perusal of the pleadings of the parties and the applications shows that both the works of the Plaintiff and the Defendant respectively, are spiritual in nature. Since the Defendant is willing to suffer an injunction, the trial of the suit would only be in respect of damages. Since both the persons i.e. the Plaintiff and Defendant are engaged in philanthropic and spiritual pursuits, the parties have submitted that the suit can be disposed of. However, learned counsel for the Plaintiff submits that costs have been incurred by the Plaintiff in pursuing the present litigation. He submits that the Plaintiff in filing the present suit, incurred legal costs, court fee, on two

occasions, a Local Commissioner was also appointed in this matter and even for recording of evidence, costs had been incurred. Additionally, the Plaintiff had to spend and incur expenses for travelling from outstation.

5. On the other hand, learned counsel for the Defendant No. 1 submits that the Defendant No. 1 is suffering from cancer and is indisposed so he does not wish to contest this litigation. He also does not want to press his defence as stated in the written statement in view of his indisposition. Learned counsel for the Defendant No.1 also submits that there is a criminal complaint filed by the Plaintiff against the said Defendant.

6. Considering the nature of the matter and the nature of the literary work involved in the present case, since the Defendants are agreeable, the suit is decreed in terms of prayer (a) of the plaint. All copies of the infringing books which are lying with the Defendants shall be delivered to the Plaintiff. The Plaintiff is at liberty to make any modifications, insofar as the author's page is concerned and circulate the same in any manner as he deems fit. Insofar as the costs are concerned, considering that the Defendant No.1 did not seek permission of the Plaintiff before publishing the infringing copy of the work, the following directions are being passed in the matter.

1) The Defendant shall issue a public apology to the Plaintiff which shall acknowledge the Plaintiff's copyright over the Treatise. The same shall be circulated by the Plaintiff, in any manner, as it deems fit. Written public apology shall be supplied to the Plaintiff by the Defendant within 10 days.

2) The Defendant shall also pay a sum of Rs.5 Lakhs as costs to the Plaintiff in view of the various expenses incurred by the Plaintiff in pursuing this litigation. The same shall be used by the Plaintiff for

philanthropic / spiritual purposes.

7. In view of the above, learned counsel for Plaintiff agrees that he will not pursue the criminal complaint against Defendant No.1. The costs be paid within four weeks. The Defendant No.1 shall also not publish any books wrongly crediting the same to be of the Plaintiff. Such publication would be in violation of the moral rights of the Plaintiff. It is, directed accordingly.

8. Learned counsel for Plaintiff has also pointed out that three books which have been published by the Defendants, wrongly attribute the same as being authored by the Plaintiff. It is directed that the Defendants books by the name *Forget Classroom Learning, Human Values in Modern Management and Transforming Personality*, which wrongly attributed to have been authored by the Plaintiff, shall be suitably modified. The Defendants shall carry out the necessary modifications in the books so that the wrong attribution is removed/corrected prior to the circulation and selling of the same.

9. I.A. and suit are disposed of as settled. Decree sheet be drawn. The settlement terms contained above shall form part of the decree. Date already fixed i.e. 12th September, 2018 stands cancelled.

Dasti.

**PRATHIBA M. SINGH
JUDGE**

AUGUST 27, 2018/dk