



\$~12

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

Date of decision: 23rd February, 2026

Uploaded on: 27th February, 2026

+ **FAO (COMM) 220/2025 & CM APPL. 50471/2025**

ANAMIKA PRAKASHAN

.....Appellant

Through: Mr. Utkarsh, Mr. Vipul Saluja, Ms.
Anshu Priyanka, Ms. Manya Purwar,
Mr. Abhiraj Singh, Mr. Abhishek
Khare, Advs.

versus

VANI PRAKASHAN & ANR.

.....Respondents

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present appeal has been filed by the Appellant - Anamika Prakashan under Order XLIII Rule 1(r) of the Code of Civil Procedure, 1908 (*hereinafter 'the CPC'*), *inter alia*, challenging the impugned order dated 7th July, 2025 passed by the Id. District Judge-12, Commercial Court, Central, Delhi in an application under Order XXXIX Rule 2A of the CPC in the ***Contempt Petition No. 21/24*** titled ***Vani Prakashan (through Proprietor Ms Ameeta Maheshwari) v. Mahendra Mishra (deceased) through LRs & Anr.***
3. *Vide* the impugned order, the Appellant has been sentenced to undergo simple imprisonment of two months in Civil Prison and attachment of the property of the Appellant has also been directed *vide* the impugned order for a period of one year on the ground that the Appellant is guilty of contempt of



the orders dated 5th December, 2020 and 20th December, 2023 passed in the commercial suit being **CS(Comm) No. 1753/2020** titled **Vani Prakashan vs Mahendra Mishra & Anr.**

4. The brief background of the present case is that, both the Appellant/Defendant - Anamika Prakashan and Respondent/Plaintiff – Vani Prakashan, are publishing houses. One Mr. Mahendra Mishra (deceased) was the author of the book titled ‘*Bhartiya Cinema*’ (hereinafter ‘*the subject book*’).

5. An agreement dated 2nd August, 2018 was signed between Vani Prakashan and Mr. Mahendra Mishra. In terms of the said agreement, Vani Prakashan had to publish the subject book, which was an anthology of Indian cinema. The agreement vested rights of the said book in Vani Prakashan including the copyright in the work. Disputes appear to have arisen between the author and Vani Prakashan, due to which the author appears to have passed on the rights in the subject book to the Appellant – Anamika Prakashan who thereafter published the same.

6. Aggrieved by the said publication by the Appellant, Vani Prakashan filed a suit before the Commercial Court, Central District, Tis Hazari Courts being **CS(Comm) No. 1753/2020**. The prayer in the said suit was for a restraint order against the Appellant/Defendant from publishing the subject book. In the said suit, *vide* order dated 5th December, 2020, an *ex-parte* order of interim injunction was passed in the following terms:

“15. It is therefore ordered that till the next date of hearing, the defendants are restrained from the sale or offering for sale the book titled “Bhartiya Cinema” published by the defendant no.2 under the authorship of defendant no.1, in any form (i.e.



physical, electronic or kindle etc.) and on any sale platform, whether online or offline. This obligation shall commence on the expiry of seven days of the service of this order upon the defendant no.2, so that the defendant no. 2 has a reasonable time at its disposal to do the needful.”

7. The said *ex-parte* injunction was, thereafter, confirmed and made absolute on 20th December, 2023. At that stage, the allegation by Vani Prakashan was that in violation of the injunction order, the Appellant had published and sold the subject book on e-commerce platforms including Flipkart, Amazon as also through offline methods. Accordingly, Vani Prakashan had filed an application under Order XXXIX Rule 2A of CPC. The said order dated 20th December 2023 reads as under:

“Ld. Counsel for plaintiff has taken me through the Interim Order dated 05.12.2020 and para no.14 and 15 thereof. Ld. Counsel submits that the defendant no.2 was restrained from sale or offering for sale, the book titled “Bhartiya Cinema” published by defendant no.2 under the authorship of defendant no.1 in any form (i.e. physical, electronic or kindle etc.) and on any sale platform whether online or offline. Ld. Counsel submits that defendant no.2 is in flagrant violation of interim Order is selling the book through online E-commerce website of Flipkart and Amazon.

Plaintiff has a prima-facie case in its favor. This Court is shown from screen-shots and other material that defendant is still continuously selling the books through online E-commerce website of Flipkart and Amazon. Considering the fact situation as also the observations in Order dated 05.12.2020, the interim Order dated 05.12.2020 is hereby made absolute.



The application under Order XXXIX rule 1 and 2 CPC stands disposed off.

Arguments heard on the application under Order XXXIX rule 2-A CPC as address by ld. Counsel for plaintiff.

Be put up for orders on the same. Defendant no.2 is at liberty to address her submissions on or before 22.12.2023 at 11.00 AM.”

8. Subsequently, the application under Order XXXIX Rule 2A of CPC came to be heard and *vide* the impugned order, the Court found the Appellant guilty of contempt. The findings of the Commercial Court in the impugned order are set out below:

“18. Keeping in view the settled position under law and adverting to the facts of the case, the Respondent was restrained from selling or offering for sale the book titled ‘Bhartiya Cinema’ published by them under the authorship of Respondent no.1, in any form i.e. physical, electronic or kindle etc. and on any safe platform whether online and offline. However, in blatant disregard to the Orders, Respondent has continued with sale of the book in market and through website Amazon and other portals. The two Invoices dated 27.01.2024 show the sale by Respondent of the impugned Book by said Invoices annexed as Annexure A2 (colly) on record. The same is further demonstrable from the Purchase Order dated 03.08.2024 placed by Applicant showing purchase of the impugned goods on websites and Invoice dated 03.08.2024 alongwith the screen-shots of the details of the Order on Amazon, annexed as Annexure-A3 and A4.

19. The documents amply establish that Respondent



despite knowledge of the stay orders has been indulged in such infringing activities in a brazen manner. In fact, the Respondent has no defence to put forth and she has shown complete disregard to the Orders of the Court. The Respondent has not only flouted the judicial Orders but also has interfered with the administration of justice intentionally to bring the majesty of law to disrepute.

20. I observe that during proceedings also, the Respondent has remained defiant and shown complete disregard to the judicial Orders and same is observable from Court's order sheets, in particular the Order dated 21.09.2024. The Respondent has given an impression to the Court that she has no respect and sanctity to the Orders of the Court. It would be a great disaster if the fountain of justice is allowed to be poisoned and if the Court allows the gross contempt of Court to go unpunished.

21. The stream of justice cannot be defiled and any such act must be dealt with stern manner. Also no one can be permitted to undermine the dignity of the Court and interfere with the due course of judicial proceedings. The judicial system has its foundation in the faith of the people and the same cannot be effective unless respect for it is maintained. If the Courts' Orders are violated with impunity without any deterrence, the first and foremost casualty is the faith of people which holds the system in place. When the violators go scot free, it only emboldens the others to follow the suit and this has cascading effect.

22. Considering the facts and circumstances in their entirety, I hold the Respondent Ms Geeta



Shukla, Proprietor of M/s Anamika Prakashan to be guilty of Contempt of Court under Order 39 rule 2 (A) of CPC for deliberate disobedience of the Orders dated 05.12.2020 and 20.12.2023. The application stands allowed.

23 (a) The Contemnor-Respondent is sentenced to undergo simple imprisonment of two months in Civil Prison.

(b) Properties belonging to respondent- contemnor including the property no 52, Tula Ram Bagh, Prayagraj-211006 be attached by the DM concerned for a period of one year. A Report be filed of such attachment by DM, Prayagraj, UP on or before 30.07.2025.

(c) Issue arrest warrants against the respondent – Contemnor Ms Geeta Shukla to be issued through SSP concerned, returnable on 30.07.2025.

Copy of this order be sent to the Court of Ld. Principal District and Sessions Judge, Prayagraj, UP with a request of due execution of the Order by the Registry.

Contempt petition be tagged alongwith main suit and the same be put up on 30.07.2025.”

9. As can be seen from the above order, Ms. Geeta Shukla, Proprietor of the Appellant Publication has been held to be guilty of contempt and held to be in deliberate disobedience of the orders dated 5th December, 2020 and 20th December, 2023. She has been sentenced to two months simple imprisonment and her properties have also been directed to be attached.

10. Aggrieved by the impugned order, the Appellant has preferred the



present appeal.

11. On 18th August, 2025, this Court had issued notice in the present appeal. Thereafter, on 22nd August, 2025, ld. Counsels for the parties had made their submissions. The same is recorded as under:

“[...]

10. *Insofar as the main suit itself is concerned, ld. Counsels have informed that the judgment was reserved on 18th January, 2025. However, vide order dated 13th February, 2025 the Commercial Court had sought certain clarifications and accordingly, listed the matter for further arguments on 28th February, 2025. The relevant portion of the order dated 13th February, 2025 reads as under:*

“While the matter is listed today for pronouncement of final Order, I find the Plaintiff has placed reliance on various Judgments in support of damages/ aggravated damages and financial losses suffered by the Plaintiff.

This Court requires certain clarifications in view of the written synopsis and the reliance placed on judicial precedents and the factum of clause (d) of Prayer clause of Plaintiff asking for Rs. 10 lakhs as damages. Further, the suit is filed by Vani Prakashan and not in the name of Sh. Arun Maheshwari. The same is filed in the name of Proprietorship firm and the entertainability of the suit is in question in view of the settled law laid down in this regard.

Be put up for further arguments on these aspects on 28.02.2025.”

11. *Thereafter, an application under Order VI Rule 17 of CPC and an application under*



*Order I Rule 10 of CPC for adding the name of the proprietor of Vani Prakashan as the Plaintiff, appears to have been moved by the Plaintiff. The same was allowed vide order dated 27th May, 2025 which was passed after the judgement was reserved. The said order has been challenged by the Appellant in **CM(M) 1375/2025** wherein the following order has been passed:*

“1. Learned counsel for respondents appears on advance notice and submits that copy of order passed by this Court on 28.07.2025 has already been placed before learned Trial Court and in terms of a specific direction contained therein, learned Trial Court would defer the hearing of final arguments.

2. To make things clear, learned Trial Court is requested to defer hearing of final arguments.”

*12. Thus, the proceedings have been deferred. It is also submitted by the ld. Counsels for the parties that another **CM(M) 216/2025** relating to an earlier order is also stated to be listed before the ld. Single Judge.*

13. In this appeal, this Court is only concerned with the order dated 7th July, 2025 passed under Order 39 Rule 2 (A) of CPC. Both the parties are publishers and the author has expired. The rights qua the subject book are to be adjudicated in the main suit and the injunction order is operating in this matter. There are allegations of violation of the same.

14. Ld. Counsel for the Defendant/Appellant whose proprietor has been sentenced to civil



imprisonment, submits that the documents which were the basis of the finding of contempt are themselves unreliable and have not been taken on record. Ld. Counsel further submits that the Appellant has only sold 30 books since the time the rights were given by the Author. The Appellant had printed a total of 300 copies of the book.

15. *On the other hand, the ld. Counsel for the Respondent submits that the Appellant has shown no respect to the interim injunction order which stands confirmed. The book was freely available on Amazon and Flipkart which was purchased and even placed before the Commercial Court.*

12. After hearing the matter in considerable detail, on 22nd August, 2025, the Court had directed as under:

16. *On a query from the Court, it is informed that the retail price of the book is Rs. 2000/-. There is no doubt that the interim injunction order, which is operating ought to be unscrupulously complied with. However, the Appellant's proprietor who has been held guilty of contempt is a lady who is 67 years of age and that too a Publisher. The contempt appeal filed deserves a deeper scrutiny as to whether the civil imprisonment and attachment is to be sustained or not. In the overall facts and circumstances, this Court is of the view that considering the Appellant is a publisher and an elderly lady, who is stated to be 67 years of age, it is directed that the Appellant shall deposit a sum of Rs.70,000/- before the Trial Court on or before 15th September, 2025.*

17. *The deposit shall be without prejudice to the rights and contentions of the parties.*



18. Subject to the said deposit, the directions for civil imprisonment/arrest warrant and the attachment of the property shall remain stayed. If the deposit is not made, the Respondent is free to move an application before this Court.

19. List on 13th November, 2025 for hearing of the appeal.”

13. In terms of the above order, the directions for civil imprisonment/arrest warrant and attachment to property were stayed, subject to deposit of Rs. 70,000/- by the Appellant.

14. On the said date, the Respondents were represented before the Court. However, thereafter, none has appeared for the Respondents, on the last three hearings.

15. Ld.Counsel for the Appellant submits that the amount of Rs. 70,000/- stands deposited before the Id. Trial Court.

16. The proof of deposit has been placed on record along with an affidavit.

17. The said FDR shall be renewed during the pendency of the suit by the Appellant.

18. In view of the deposit which has been made, this Court is satisfied that in the facts of this case, the deposit of the FDR is sufficient for the purging of the contempt by the Appellant.

19. No further orders would be required to be passed in the application under Order XXXIX Rule 2A of CPC.

20. The said FDR shall abide by the decision in **CS(Comm) No. 1753/2020** which is pending in the Court of Ms. Ravinder Bedi, Id. District Judge (Commercial Court)-12, Tiz Hazari Courts, Delhi.



2026:DHC:1769-DB



21. The FDR shall be kept in safe custody with the said Court and shall abide by the final decision in the suit.
22. None of the findings in the impugned order shall come in the way of the final adjudication of the suit.
23. The appeal is disposed of. Pending applications, if any, are also disposed of.
24. Copy of this order be communicated to the concerned Principal District Judge, Tis Hazari Courts, Delhi in order to ensure that the file of the Contempt *Contempt Petition No. 21/24* is transmitted to the Court where the suit *CS(Comm) No. 1753/2020* is pending as also to ensure that the FDR is retained in safe custody and is renewed from time to time during pendency of the suit.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

FEBRUARY 23, 2026/b/sm