IN THE COURT OF SH. POORAN CHAND, DISTRICT JUDGE (COMM.)-08 CENTRAL, TIS HAZARI COURT, DELHI

CS Comm. No. 1026/2025
CNR No. DLCT01014419-2025

1. Dayanand Anglo-Vedic College Trust & Management Society

2. D A V College Managing Committee

Both through

Shri Sansar Chand, Authorized Representative

Having Office at:-
Chitra Gupta Road, Paharganj,
New Delhi, 110055

.....Plaintiff

Versus

D A V School
Through its Principal
Having office at:-
237-B, Road no. 6/B,
Rajendra Nagar, Patna, Bihar

.....Defendant

(Ex Parte)

Date of Institution : 19.09.2025
Arguments heard on : 25.08.2026
Date of Judgment : 15.09.2026

JUDGMENT:

1. The present suit has been instituted by plaintiffs under Sections 134 and 135 of the Trade Marks Act, 1999 (hereinafter referred to as "The Act")

seeking permanent and mandatory injunction against infringement of their registered trademarks, rendition of accounts, a consequential money decree and costs.

2. The controversy lies in a relatively narrow compass. Plaintiffs assert statutory rights in the registered trademarks "Dayanand Anglo Vedic", "D.A.V." and the DAV logo/device, used by them in connection with their educational institutions. Defendant, which is stated to have no affiliation or association with plaintiffs, is alleged to be operating an educational institution under the name "DAV School". The Court is thus required to determine whether the impugned use infringes the statutory rights of plaintiffs and, if so, the extent to which the reliefs claimed are sustained by the evidence on record.

Case of the Plaintiff

3. Plaintiff no.1 is a registered society, whereas plaintiff no.2 is stated to be its executive body. The suit has been instituted through their Authorized Representative, Sh. Sansar Chand, Administrative Officer, who claims due authorization to institute and prosecute the present proceedings.

4. The case pleaded by plaintiffs is that the Dayanand Anglo-Vedic educational movement traces its origin to the year 1886 and has, over the course of time, developed into an extensive network of educational institutions. Plaintiffs claim to administer approximately 950 educational institutions through local managing committees.

5. Plaintiffs assert long, extensive and continuous use of the marks "Dayanand Anglo Vedic", "D.A.V." and the DAV logo/device in relation to their educational activities. According to them, such use has resulted in considerable goodwill and reputation attaching to the said marks and in their acquiring a distinctive association with educational institutions

forming part of, affiliated with or authorized by the DAV educational network.

6. The action is founded not merely upon asserted goodwill but upon statutory registrations. Plaintiffs rely upon the following registrations:-

Registration No.	Trademark	Class
1338938	Dayanand Anglo Vedic	41
1338939	D.A.V.	41
3153869	Dayanand Anglo Vedic	41
3153870	D.A.V.	41
3651422	DAV logo/device	35
3651421	D.A.V.	35
1221786	D.A.V.	16
1221785	DAV logo/device	16
1097488	Dayanand Anglo Vedic	16
1097489	D.A.V.	16
1097490	DAV logo/device	16

7. Plaintiffs plead that the aforesaid registrations of trademarks are valid, renewed and subsisting. The registrations in Class 41 assume particular significance since the controversy concerns use of the impugned mark in relation to educational services.

8. Defendant is stated to be operating a school from 237-B, Road No.6/B, Rajendra Nagar, Patna, Bihar under the name and style “DAV School”.

9. According to plaintiffs, on 07.10.2023, Sh. Punam Suri, Chairman of plaintiff no.2, received a letter/application from Mrs. Kiran Devi concerning defendant school at Rajendra Nagar, Patna. Plaintiffs state that enquiries were thereafter undertaken through their functionaries in Bihar and material pertaining to defendant school was obtained.

10. It is the categorical case of plaintiffs that defendant is neither managed by nor affiliated with them and has never been granted any licence, consent, authority or permission to use “DAV/D.A.V.”, “Dayanand Anglo Vedic” or the DAV logo/device.

11. Plaintiffs have further proved the legal notice dated 13.09.2023 as Ex.PW1/19, whereby they asserted their proprietary rights, objected to the impugned use and called upon defendant to cease and desist from unauthorized use of their registered trademarks. According to plaintiffs, defendant failed to comply with the demand raised therein.

12. The gravamen of plaintiffs' case is that adoption of “DAV” by an unaffiliated educational institution is likely to convey to students, parents and members of public that defendant school forms part of, is affiliated with, or otherwise enjoys the authorization of plaintiffs and their educational network.

Proceedings Before the Court

13. Summons of the suit were issued to defendant. Despite service, defendant failed to enter appearance and contest the proceedings by filing written statement. Consequently, defendant was proceeded ex-parte vide order dated 24.11.2025.

Evidence

14. Plaintiffs examined their Authorized Representative **Sh. Sansar Chand as PW1**, who tendered his affidavit in evidence as **Ex.PW1/A** and deposed substantially in conformity with the case pleaded in the plaint.

15. PW1 relied upon following documents:-

S.	Details of Documents	Exhibits

No.		
1.	Certificate of Registration of plaintiff dated 30.06.1948	Ex.PW1/1 (OSR)
2.	Certificate of registration dated 16.08.1986	Ex.PW1/2 (OSR)
3.	Resolution No.63 dated 28.08.1983	Ex.PW1/3 (OSR)
4.	Trademark Registration Certificate bearing Regn. No.1338938	Ex.PW1/4
5.	Trademark Registration Certificate bearing Regn. No.1338939	Ex.PW1/5
6.	Trademark Registration Certificate bearing Regn. No.3153869	Ex.PW1/6
7.	Trademark Registration Certificate bearing Regn. No.3153870	Ex.PW1/7
8.	Trademark Registration Certificate bearing Regn. No.3651422	Ex.PW1/8
9.	Trademark Registration Certificate bearing Regn. No.3651421	Ex.PW1/9
10.	Trademark Registration Certificate bearing Regn. No.1221786	Ex.PW1/10
11.	Trademark Registration Certificate bearing Regn. No.1221785	Ex.PW1/11
12.	Trademark Registration Certificate bearing Regn. No.1097488	Ex.PW1/12
13.	Trademark Registration Certificate bearing Regn. No.1097489	Ex.PW1/13
14.	Trademark Registration Certificate bearing Regn. No.1097490	Ex.PW1/14
15.	Printout pertaining to DAV Public/Model Schools	Ex.PW1/15
16.	Printout pertaining to Directly Managed Schools	Ex.PW1/16
17.	Printouts of photographs of defendant school	Ex.PW1/17
18.	Printouts of internet search results pertaining to defendant school	Ex.PW1/18
19.	Legal Notice dated 13.09.2023	Ex.PW1/19

20.	Non-Starter Report	Ex.PW1/20 (OSR)
21.	Certificate under Section 63 of The Bharatiya Sakshya Adhiniyam, 2023	Ex.PW1/21
22.	Affidavit under Order XI Rule 6 CPC	Ex.PW1/22
23.	Authority letter dated 13.08.2025	Ex.PW1/23 (OSR)

16. None appeared on behalf of defendant to cross-examine PW1 despite opportunity. His cross-examination was accordingly recorded as Nil, opportunity given. The oral testimony of PW1 and the documentary evidence tendered through him have thus remained unchallenged and unrebutted.

Appraisal of an Ex Parte Claim

17. Before adverting to the merits, it is necessary to delineate the consequence of defendant having remained ex parte. An ex parte proceeding does not relieve a plaintiff of the burden of establishing the legal and factual foundation of the relief claimed. A decree is an act of adjudication; it cannot follow merely as a consequence of absence of opposition.

18. The consequence of non-participation by defendant is that evidence which is otherwise credible, admissible and sufficient remains uncontroverted. It does not dispense with the Court's obligation to examine whether the facts proved attract the legal right asserted and sustain the particular relief sought. Absence of rebuttal strengthens proof; it does not substitute for proof.

Jurisdiction

19. The subject matter of the present suit concerns enforcement of rights in registered trademarks and consequently constitutes a commercial dispute concerning intellectual property rights within the meaning of the Commercial Courts Act, 2015.

20. Plaintiffs have valued the suit at Rs.130/- each for the reliefs of permanent and mandatory injunction and at Rs.10,00,000/- for the relief of rendition of accounts for purposes of court fee and jurisdiction. The suit has accordingly been instituted as a commercial suit of the requisite pecuniary value.

21. Insofar as territorial jurisdiction is concerned, plaintiffs have pleaded that their registered office is situated at Chitra Gupta Road, Paharganj, New Delhi, within Central District, Delhi; that they have no other office or branch in another State; and that the affairs of the educational institutions run, managed or affiliated by them are carried on from their Delhi office. PW1 has affirmed these facts on oath and his testimony remains unrebutted.

22. Section 134(2) of The Act creates an additional statutory forum in respect of proceedings falling within clauses (a) and (b) of Section 134(1), by including within the expression "District Court having jurisdiction" a District Court within whose territorial limits the person instituting the suit actually and voluntarily resides or carries on business or personally works for gain.

23. The present action is founded upon infringement of registered trademarks and plaintiffs carry on their affairs within Central District, Delhi. This Court, therefore, has territorial jurisdiction to entertain and adjudicate the statutory action for infringement.

Statutory Rights of Plaintiff

24. The first substantive enquiry concerns the existence of the proprietary right which plaintiffs seek to protect.

25. Trademark Registration Certificates Ex.PW1/4 to Ex.PW1/14 establish registrations in favour of plaintiffs in respect of "Dayanand Anglo Vedic", "D.A.V." and the DAV logo/device across Classes 16, 35 and 41. The registrations in Class 41 bear directly upon the present controversy, the impugned use being in relation to educational services.

26. Section 28 of The Act confers upon the registered proprietor, subject to the other provisions of The Act, the exclusive right to use the registered trademark in relation to the goods or services in respect of which it is registered and to obtain relief in respect of infringement thereof. Section 31 accords registration the status of prima facie evidence of validity.

27. No material has been brought on record which detracts from the subsistence or validity of the registrations relied upon by plaintiffs. Defendant has neither challenged the statutory rights asserted by plaintiffs nor set up any independent entitlement to use the impugned marks. The proprietary foundation of the infringement action thus stands established.

Whether the Use by Defendants Constitute Infringement

28. The existence of a protected right having been established, the enquiry necessarily shifts to whether that right has been invaded.

29. PW1 has categorically deposed that defendant is conducting an educational institution under the name "DAV School" without licence, affiliation, consent or authority from plaintiffs. The photographs of defendant school Ex.PW1/17 and the internet-search results Ex.PW1/18 lend documentary corroboration to the impugned use. The electronic material relied upon by plaintiffs is accompanied by the certificate under

Section 63 of the Bharatiya Sakshya Adhiniyam, 2023, proved as Ex.PW1/21.

30. In determining similarity, the Court is not called upon to undertake a microscopic comparison in search of minute or artificial distinctions. A trademark performs a source-identifying function. The enquiry must therefore address the essential and distinctive features of the competing marks, their overall visual and phonetic impression, the nature of the services in relation to which they are employed, and the class of persons likely to encounter them.

31. Viewed on this touchstone, the comparison admits of little ambiguity. The prominent and source-identifying verbal feature of plaintiffs' registered marks is “D.A.V.” Defendant conducts its educational institution as “DAV School”. The omission of full stops between the letters D, A and V introduces no meaningful phonetic or conceptual distinction. Punctuation does not alter the pronunciation of the acronym or materially affect the manner in which it would ordinarily be perceived or recollected. In substance, “DAV” and “D.A.V.” convey the same essential commercial identity.

32. The similarity assumes greater significance because it operates in an identical field of activity. Plaintiffs hold registrations in Class 41 in relation to educational services. Defendant is itself operating a school. The impugned use thus occurs in the very sphere in respect of which plaintiffs enjoy statutory protection.

33. The relevant class of persons includes students, parents and guardians seeking educational services. In that context, the name of an institution is capable of conveying information not merely about nomenclature but about its institutional lineage, affiliation, management and source. Use of

the expression “DAV School” by an institution which has no established connection with plaintiffs is, therefore, capable of conveying an impression of affiliation, authorization or association with the DAV educational network.

Judicial Precedents

34. The question whether incorporation of the essential feature of a registered trademark within a larger expression necessarily avoids deceptive similarity arose before the Hon'ble High Court of Delhi in *Intel Corporation v. Dinakaran Nair & Ors.*, 2006 SCC OnLine Del 459 : (2006) 129 DLT 634 : (2006) 33 PTC 345 : (2006) 3 CCC 184. The plaintiff therein asserted rights in “INTEL”, whereas the defendants were using “ARTINTEL”. The Hon'ble High Court observed in paragraph 12:

> *“There is force in the contention of the learned Counsel for the plaintiff that though word ARTINTEL is one word while pronouncing the same it gets broken up into two parts ART and INTEL. The mark INTEL of the plaintiff is well known and obviously the use of the word INTEL is with the object of showing some connection with the mark of the plaintiff INTEL and to take advantage of the goodwill and reputation of the plaintiff. Needless to say that the chances of such deception increase when the product range is same or similar.”*

35. The principle is apposite to the present controversy. The defendant has not adopted some remote or subsidiary feature of the plaintiffs' marks. It has adopted “DAV”, which constitutes the essential verbal feature of the registered mark “D.A.V.”, and coupled it merely with the descriptive word “School”. Indeed, the factual overlap here is particularly close. “School” identifies the nature of the service; it does not distinguish its institutional source. Further, the respective fields are not merely similar: both concern

educational services. The circumstance which *Intel Corporation (supra)* regarded as enhancing the possibility of deception is, therefore, present here with greater immediacy.

36. An instructive factual parallel is furnished by *Foresight Society of Human Resources & Development v. Ashish Jain &Ors., 2009 SCC OnLine Del 1259*. The plaintiff therein was engaged in computer education and training under its registered mark "F-TEC", while the defendants were using "F-TECH" in relation to computer education. Upon appreciation of the affidavit and documentary evidence led by the plaintiff, the Hon'ble High Court found that the averments had been substantially proved and, there being no rebuttal from the defendants concerned, granted permanent injunctive protection.

37. The factual affinity of the decision with the present case is significant. Both disputes arise in the field of educational services; both concern adoption of a closely corresponding verbal mark as an identifier of an educational establishment; and in both, the evidence of the plaintiff remains unrebutted. The decision nevertheless does not relieve this Court of independently assessing the evidence. In the present case, the plaintiffs' registrations stand established through Ex.PW1/4 to Ex.PW1/14, while the impugned use is independently supported by Ex.PW1/17 and Ex.PW1/18. The evidence thus establishes both components of the infringement enquiry, the existence of the protected right and the conduct alleged to invade it.

38. The manner in which evidence is to be approached in an ex parte trademark action is also illustrated by *Asian Paints (India) Ltd. v. Balaji Paints and Chemicals & Ors., 2006 SCC OnLine Del 318 : (2006) 130*

DLT 150 : (2006) 33 PTC 683 : (2006) 3 CCC 276. The Hon'ble High Court recorded in paragraph 9:-

> *"However, defendant No. 1 failed to appear despite service and was proceeded ex parte and the plaintiff has led ex parte evidence by way of affidavit."*

The Court further noticed that the plaintiff's witness had proved the documentary material and photographs relied upon.

39. Thereafter, upon examining the pleadings, documents and affidavit evidence, the Hon'ble High Court recorded in paragraph 10 that the material demonstrated adoption of the plaintiff's trademarks by the defendants and found infringement of the plaintiff's rights. The relevance of *Asian Paints (supra)* lies in the adjudicatory approach. The defendant's absence does not itself prove infringement. The Court must examine the affirmative evidence produced by the plaintiff.

40. The present finding accordingly rests not upon default alone, but upon Ex.PW1/4 to Ex.PW1/14, which establish the plaintiffs' statutory rights, read with Ex.PW1/17 and Ex.PW1/18, which establish the impugned use.

41. Upon consideration of that material, the Hon'ble High Court recorded in paragraph 9 that the plaintiff possessed the exclusive right to use its trademark "HERO HONDA" and its logo and that the defendant was attempting to counterfeit the plaintiff's products and pass off its goods as those of the plaintiff. Consequently, in paragraph 10, the Court held:

> *"In view of the aforesaid, the plaintiff is entitled to a decree of permanent injunction against the defendant..."*

42. The decision is further relevant to the consequential relief of delivery-up. In paragraph 11, the Hon'ble High Court directed that the infringing goods

be delivered up so that they could be destroyed. The principle underlying such relief is evident. A permanent injunction prohibits continuation of the wrongful use; delivery-up or surrender removes from circulation the material through which that wrongful representation may continue to be made.

43. The approach to visual and phonetic similarity may also be noticed from *Lifestar Pharma Pvt. Ltd. v. GO-ISH Remedies Ltd. of Baddi*, 2018 SCC OnLine Del 13411 : (2019) 77 PTC 676. The controversy therein concerned "SCABELICE" and "SCABILICE". While reproducing the interim order passed in the proceedings, the Hon'ble High Court recorded in paragraph 4:

> *"In my view, the marks, prima facie, are similar inasmuch as there is a phonetic similarity and even visual similarity..."*

44. The decision is relevant to the method of comparison, namely that insignificant alterations which leave the visual and phonetic impression of the essential mark substantially unaffected do not necessarily remove deceptive similarity. Applied here, the purported distinction is narrower still. The removal of punctuation from "D.A.V." to form "DAV" neither changes its pronunciation nor its conceptual identity. The addition of "School" merely describes the service in relation to which the mark is employed.

45. It is equally necessary to keep the ultimate disposition of *Lifestar Pharma (supra)* within view. The defendant subsequently undertook not to use "SCABILICE". The Court recorded the continued injunction in paragraph 8, decreed the relevant prayers in paragraph 10, and in paragraph 11 directed destruction of the remaining stock while recording that the remaining reliefs were not pressed. The decision is, therefore, relied upon

for the principles of comparison and injunctive/destruction relief, and not as authority upon entitlement to an account of profits.

46. Upon cumulative consideration of the statutory registrations, the nature of the competing marks, identity of the services, documentary evidence of use and the principles emerging from the authorities noticed above, this Court is satisfied that the defendant's unauthorised use of “DAV” as the essential feature of “DAV School” infringes the registered trademark rights of the plaintiffs.

Entitlement to Permanent & Mandatory Injunction

47. Section 135 of the Act recognises the remedy of injunction and further contemplates delivery-up of infringing labels and marks for destruction or erasure. Once infringement of the subsisting registered trademarks stands established, the protection granted by the Court must be effective rather than merely formal.

48. The plaintiffs are accordingly entitled to a decree of permanent injunction restraining the defendant from continuing the infringing use.

49. The plaintiffs have additionally prayed for mandatory injunction directing surrender of infringing material including letterheads, stationery and signboards. The prayer is consistent with the nature of consequential relief recognised under Section 135 and with the principle noticed in paragraph 11 of *Hero Honda Motors Ltd. (supra)*.

50. Merely restraining future use while permitting material bearing the offending indicia to remain available for use would substantially diminish the efficacy of the injunction. The plaintiffs are, therefore, entitled to surrender/delivery-up of such material for destruction or erasure.

Rendition of Account & Consequential Money Decree

51. This leaves the prayer for rendition of accounts. The plaintiffs seek a direction requiring the defendant to render true and complete accounts of the amounts allegedly earned or collected through unauthorised use of their goodwill and registered trademarks, followed by a money decree for the amount found due.

52. Section 135(1) of the Act recognises, in addition to injunctive relief, the alternative monetary remedies of damages or an account of profits, the election between the two resting with the plaintiff. The plaintiffs before this Court have elected an account of profits. They have not sought damages.

53. The distinction between the two forms of monetary relief is material to the present adjudication. An injunction protects the proprietary right against continuation of the wrongful act. An account of profits is directed towards the pecuniary benefit attributable to the defendant's wrongful use. The latter consequently entails an enquiry distinct from the mere factum of infringement.

54. It follows that establishment of infringement, though foundational, does not ipso facto establish entitlement to every consequential monetary relief contained in the prayer clause. The Court must examine whether the record furnishes an adequate factual and evidentiary substratum for the particular relief sought. Nor does the defendant's ex parte status alter that principle. What is unrebutted must first have been proved.

55. At this stage, the monetary portion of *Hero Honda Motors Ltd. (supra)* requires to be distinguished. While considering the claim for damages, the Hon'ble High Court observed in paragraph 14:

> *"It is trite to say that the defendant has deliberately stayed away from the present proceedings with the result that an enquiry into the accounts of the defendant for determination of damages cannot take place."*

The Court proceeded in that case upon the plaintiff's claim for damages and compensation and ultimately awarded damages.

56. The aforesaid decision does not warrant the same monetary course in the present suit. The plaintiffs herein have not elected damages. Their specific election under Section 135(1) is an account of profits, followed by a money decree for the amount found due upon such accounting. The statutory alternatives cannot be treated as interchangeable merely because infringement has been established. The prayer actually made and the evidentiary foundation available for that prayer must govern the relief.

57. Tested accordingly, the evidence adduced by the plaintiffs satisfactorily proves the impugned use, but does not travel further so as to furnish a sufficient basis for the relief of rendition/account of profits. The photographs Ex.PW1/17 and internet-search results Ex.PW1/18 establish the existence and manner of use of the impugned marks. They have therefore been relied upon in determining infringement. Neither document, however, throws light upon the financial consequences of such use.

58. Likewise, Ex.PW1/19, the legal notice dated 13.09.2023, establishes assertion of the plaintiffs' proprietary rights and communication of their objection to the defendant. Its evidentiary significance does not extend to proof of receipts, revenue, collections or profits derived by the defendant from the impugned activity.

59. More significantly, no books of account, statement of accounts, financial statements, fee receipts, fee structure, particulars of collections, turnover figures, revenue records or comparable financial material pertaining to the defendant school has been placed before the Court. The testimony of PW1 likewise furnishes no independent financial data from which the pecuniary benefit, if any, attributable to the infringing use may be identified or assessed.

60. The Court is conscious that the books and financial records of an enterprise would ordinarily remain within its possession or control. That circumstance cannot, however, be permitted to substitute entirely for the factual and evidentiary foundation necessary for the particular monetary relief sought.

61. Equally, the defendant's failure to contest cannot be employed to bridge an evidentiary lacuna in the plaintiffs' own case. The consequence of unrebutted evidence is that what has been credibly proved remains uncontroverted; it does not convert an assertion unsupported by requisite material into proof of a substantive monetary entitlement.

62. The precedents relied upon for injunctive relief do not compel a different conclusion. In *Foresight Society (supra)*, although monetary reliefs had been sought, damages and rendition of accounts were ultimately not pressed. Likewise, in *Lifestar Pharma (supra)*, paragraph 11 records that the remaining reliefs were not pressed. Those decisions, therefore, support injunctive protection on their respective facts but do not determine entitlement to an account of profits.

63. Nor can the valuation of Rs.10,00,000/- assigned by the plaintiffs to the relief of rendition for purposes of court fee and jurisdiction supply the evidentiary deficiency. Jurisdictional valuation performs a procedural

function. It is neither evidence that the defendant actually earned profits of Rs.10,00,000/- nor an admission to that effect. To transpose the valuation pleaded for institution of the suit into a substantive finding of monetary liability would conflate two distinct enquiries.

64. The evidentiary position may, therefore, be stated with precision: the unauthorised use of the plaintiffs' registered trademarks stands proved; the pecuniary benefit attributable to such use does not. The former warrants injunctive protection. The latter would require an evidentiary foundation which the record, as presently constituted, does not furnish.

65. Accordingly, the plaintiffs have failed to establish sufficient basis for grant of rendition of accounts/account of profits. The said relief is declined. Since the prayer for a money decree is expressly consequential upon an amount being found due upon rendition of accounts, the consequential monetary relief necessarily fails and is also declined.

Relief

66. The judicial function at the stage of relief is to ensure that the decree corresponds to the right established by the evidence, neither withholding protection which the law warrants nor granting a relief for which the evidentiary foundation is absent.

67. Plaintiffs have established subsisting statutory rights in the registered trademarks “Dayanand Anglo Vedic”, “D.A.V.” and the DAV logo/device. They have further established unauthorized use of the essential mark “DAV” by defendant in relation to educational services. Their entitlement to injunctive protection is consequently made out. The requisite foundation for the distinct monetary remedy of an account of profits, however, has not been established.

68. In view of the foregoing discussion, the suit of plaintiffs is partly decreed in the following terms:-

i. A decree of permanent injunction is passed in favour of plaintiffs and against defendant, its Principal, employees, agents, office bearers, assignees and persons acting or purporting to act on its behalf, restraining them from using the registered trademarks “Dayanand Anglo Vedic”, “D.A.V.” and the DAV logo/device, or any mark, name or device identical with or deceptively similar thereto, in relation to educational services in a manner amounting to infringement of the registered trademarks of plaintiffs.

ii. A decree of mandatory injunction is passed in favour of plaintiffs and against defendant directing defendant to surrender/deliver up all infringing material in its possession or control, including letterheads, stationery, signboards and other material bearing the infringing marks, for destruction or erasure to the plaintiff.

iii. The relief of rendition of accounts/account of profits and the consequential prayer for a money decree are declined.

iv. Plaintiff shall be entitled to the costs of the suit.

69. Decree sheet be prepared accordingly.

70. File be consigned to Record Room after due compliance.

Announced in the open Court
Dated : 15.09.2026

Pooran chand
Digitally signed by Pooran chand
Date: 2026.09.15 15:21:07 +0530

(Pooran Chand)
District Judge(Commercial Court)-08
Central District, THC, Delhi.

FORM 'A'

LIST OF WITNESSES

S. No.	Name of Witness	Whether witness of plaintiff or defendant
1.	PW-1 Sh. Sansar Chand, Administrative Officer, DAV College Managing Committee	Plaintiff's Witness

LIST OF DOCUMENTS

S. No.	Exhibit/Mark	Date of Exhibit	Description of Exhibit
1.	Ex.PW1/A	03.12.2025	Evidence by way of affidavit of PW-1 Sh. Sansar Chand
2.	Ex.PW1/1 (OSR)	03.12.2025	Copy of Certificate of Registration of plaintiff dated 30.06.1948
3.	Ex.PW1/2 (OSR)	03.12.2025	Copy of Certificate of Registration dated 16.08.1986
4.	Ex.PW1/3 (OSR)	03.12.2025	Copy of Resolution No. 63 passed by plaintiff no. 2 dated 28.08.1983
5.	Ex.PW1/4	03.12.2025	Printout of Trade Mark Certificate bearing Registration No. 1338938
6.	Ex.PW1/5	03.12.2025	Printout of Trade Mark Certificate bearing Registration No. 1338939
7.	Ex.PW1/6	03.12.2025	Printout of Trade Mark Certificate bearing Registration No. 3153869
8.	Ex.PW1/7	03.12.2025	Printout of Trade Mark Certificate bearing Registration No. 3153870
9.	Ex.PW1/8	03.12.2025	Printout of Trade Mark Certificate bearing Registration No. 3651422
10.	Ex.PW1/9	03.12.2025	Printout of Trade Mark Certificate bearing Registration No. 3651421

11.	Ex.PW1/10	03.12.2025	Printout of Trade Mark Certificate bearing Registration No. 1221786
12.	Ex.PW1/11	03.12.2025	Printout of Trade Mark Certificate bearing Registration No. 1221785
13.	Ex.PW1/12	03.12.2025	Printout of Trade Mark Certificate bearing Registration No. 1097488
14.	Ex.PW1/13	03.12.2025	Printout of Trade Mark Certificate bearing Registration No. 1097489
15.	Ex.PW1/14	03.12.2025	Printout of Trade Mark Certificate bearing Registration No. 1097490
16.	Ex.PW1/15	03.12.2025	Printout of list of DAV Oublic/Monday Schools
17.	Ex.PW1/16	03.12.2025	Printout of list of directly managed schools
18.	Ex.PW1/17	03.12.2025	Printout of photographs of defendant school
19.	Ex.PW1/18	03.12.2025	Printout of results of internet search of defendant school
20.	Ex.PW1/19	03.12.2025	Legal Notice dated 13.09.2023
21.	Ex.PW1/20 (OSR)	03.12.2025	Copy of Non-Starter Report
22.	Ex.PW1/21	03.12.2025	Certificate under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023
23.	Ex.PW1/22	03.12.2025	Affidavit under Order XI Rule 6 of the Code of Civil Procedure, 1908
24.	Ex.PW1/23 (OSR)	03.12.2025	Authority Letter dated 13.08.2025