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

+ CS(COMM) 437/2024

KARAN RAJESH DATTANI SOLE PROPRIETOR OF
DNYANADAPlaintiff

Through: Ms. Rajeshwari H, Ms. Raj Latha
Kotni, Ms. Swagita Pandey and Ms.
Ananya Singh, Advocates.

versus

FASHNEAR TECHNOLOGIES PVT LTD
& ORS.Defendants

Through: Mr. Faisal Sherwani and Ms. Priyal
Bapna, Advocates for D-1.
Mr. Saurabh Sagar, Advocate for D-3,
6, 7, 8, 10, 11 & 12.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER
09.09.2025

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I.A. 22230/2025 and I.A.22378/2025

1. These are Applications filed by the Plaintiff and the Defendants under Section 151 of the Code of Civil Procedure, 1908 (“CPC”), seeking modification of the Order dated 07.08.2025.
2. The learned Counsel for the Plaintiff submitted that during the hearing held on 18.07.2025, this Court was pleased to pass an order in favour of the Plaintiff. The relevant portion of the order dated 18.07.2025 is reproduced below:

“With regard to the defendant nos.3, 6 to 8 and 10 to 12, in view of the order of injunction dated 27.05.2024 passed by this Court as also the undertaking given by learned counsel for the defendant nos.3, 6 to 8 and 10 to 12 recorded in the order dated 06.09.2024, the order of ex parte ad interim injunction dated 27.05.2024 is made



absolute till the pendency of the present suit.”

3. The learned Counsel for the Plaintiff submitted that the order dated 18.07.2025 contains an inadvertent error by way of reference to an *ex-parte ad-interim* injunction stated to have been passed on 27.05.2024, whereas no such order was made on 27.05.2024. The learned Counsel for the Plaintiff further submitted that the Plaintiff was not aware of the inadvertent error in the order dated 18.07.2025 and that it was only upon perusal of the Order dated 07.08.2025 that the Plaintiff noticed the erroneous reference to an *ex-parte ad-interim* injunction stated to have been passed on 27.05.2024.

4. The learned Counsel for Defendant No. 1 further submitted that the URLs mentioned at Page Nos. 270 to 428 and Page Nos. 458 to 608 of the Plaintiffs documents, are incongruously jumbled up with multiple links that pertain to Defendant Nos. 2, 4, 5, 13 and 15 with whom the Plaintiff has settled the instant dispute *vide* Settlement Agreement dated 17.04.2025 as recorded in the order dated 21.04.2025. Therefore, the *en masse* take down of the URLs mentioned on Page Nos. 270 to 428 and Page Nos. 458 to 608 of the Plaintiffs documents would lead to an anomalous situation where the Plaintiff is demanding take down of links that pertain to parties with whom the Plaintiff has already settled the matter and that this would in turn be a violation of the terms of the Settlement Agreement dated 17.04.2025 between the parties.

5. Having considered the submissions made by the Parties, the Order dated 07.08.2025 is modified and be read as under:

“1. Vide orders dated 06.09.2024 and 01.10.2024, this Court recorded that the learned counsel appearing for Defendant Nos. 2, 3, 6 to 8 and 10 to 12, have given their undertaking, without prejudice to their rights and contentions, that they will change the



design of the saree, and shall not use the photographs of the saree of the Plaintiff, as given in the Plaint, or which is identically or deceptively similar to the said photographs.

2. Further, on 27.11.2024, Defendant Nos. 3, 6 to 8 and 10 to 12 filed their respective affidavits stating that “the photographs of the sarees have been edited by Defendant No. 1 and now the photograph, which has been alleged as the copyright photographs is not being used”. Defendant Nos. 3, 6 to 8 and 10 to 12 further filed the compliance affidavits dated 16.05.2025 stating that “existing photographs of the saree have been changed as given in the plaint, or which is allegedly identically or allegedly deceptively similar to the said photographs” and provided copy of the changed photographs of saree evidencing compliance.

3. On the basis of the undertaking provided and the affidavits filed before this Court, Defendant Nos. 3, 6 to 8, 10 to 12 and Defendant No. 9 who was proceeded ex-parte vide order dated 18.07.2025 are hereby restrained from using the Plaintiff’s photographs and design of the ‘Hathi Saree’.

4. Defendant No. 1 / Fashnear Technologies Pvt. Ltd. is directed to take down, within 72 hours of notification by the learned Counsel for the Plaintiff, the URLs containing listings of infringing material attributable to Defendants other than Defendant Nos. 2, 4, 5, 13, 14 and 15, with whom the Plaintiff has settled the instant dispute vide Settlement Agreement dated 17.04.2025.

5. Defendant No. 1 / Fashnear Technologies Pvt. Ltd. is further directed to furnish the contact details of the sellers / persons who have put the infringing listings mentioned in Paragraph No. 20 of the Plaint and submit the same before this Court in a sealed cover with a copy to the learned Counsel for the Plaintiff within a period of four weeks.

6. Defendant No. 1 / Fashnear Technologies Pvt. Ltd. shall continue to comply with the order of this Court, if any listings identical to the infringing material identified in Paragraph No. 20 of the Plaint is notified by the learned Counsel for the Plaintiff to the learned Counsel for Defendant No. 1 by providing the URLs of such listings. Upon being notified, Defendant No. 1 shall block the said URLs within a period of 72 hours.



7. List on 22.09.2025 before the learned Joint Registrar, on the date already fixed.”

6. Accordingly, the Applications stand disposed of.

TEJAS KARIA, J

SEPTEMBER 9, 2025

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