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

+ **CS(COMM) 437/2024 & I.A. No. 35528/2024**

**KARAN RAJESH DATTANI SOLE PROPRIETOR OF
DNYANADA**

.....Plaintiff

Through: Ms. Rajeshwari H., Ms. Raj Latha
Kotni, Mr. Rohan Garg, Mr. Rohit
Dutta, Mr. Shyam Kishor Maurya,
Ms. Swagita Pandey and Ms. Ananya
Singh, Advs.
M: 9899978082
Email: rajlatha@lexpurt.in

versus

FASHNEAR TECHNOLOGIES PVT LTD & ORS.Defendants

Through: Mr. Faisal Sherwani, Mr. Shikher
Deep Aggarwal and Ms. Sanjukta
Kaushik, Advs. for D-1.
M: 9599956259
Mr. Shubham Saigal, Mr. Siddharth
Jain, Ms. Shambhavi and Mr. Afnan,
Advs. for D-2.
M: 9407223688
Mr. Sarim Naved, Mr. Sahid Nadeem
and Mr. Harsh Kumar, Advs. for D-3,
6, 7, 8, 10, 11 & 12
M: 6205536862
Email: office@sarimnaved.com

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

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**ORDER
05.08.2024**



I.A. No. 35528/2024 (Application under Order XXXIX Rule 1 & 2 read with Section 151 of CPC, 1908 to restrain the defendants from orchestrating and issuing illegal threats)

1. The present application has been filed by the plaintiff under Order XXXIX Rule 1 and 2 read with Section 151 of the Code of Civil Procedure (“CPC”), 1908, to restrain the defendants from orchestrating and issuing illegal threats to the plaintiff.
2. It is submitted that the plaintiff has filed the present suit seeking injunction against the illegal acts of the defendants, including using their design no. 367062-001, infringement of copyright in the photographs, and other ancillary reliefs.
3. It is submitted that the present suit has been filed by the plaintiff since defendant nos. 2 to 16, are selling Sarees on defendant no.1’s platform, using plaintiff’s design and photographs, without any permission or license, only with the intention of attracting plaintiff’s consumer base by deceiving them into believing that the listings of “Hathi Saree” posted by defendant nos. 2 to 16 on defendant no.1’s platform, are in fact originating from the plaintiff.
4. It is submitted that the activity of the defendants is causing immense harm to plaintiff’s hard earned goodwill and reputation, and also causing monetary loss. Thus, the present suit has been filed to restrain the defendants from infringing the plaintiff’s rights in the photographs of the Sarees, as well as pattern of the Sarees.
5. Learned counsel appearing for the plaintiff submits that the plaintiff has made a categorical statement, as recorded in the order dated 23rd July, 2024, that the plaintiff is seeking enforcement of the copyright in the photographs of the Sarees, over which the plaintiff alone holds copyright.



6. It is submitted that the defendants are now trying to pressurize the plaintiff through illegal means to withdraw the present suit and stop enforcing his rights in respect of the “Hathi Sarees”. Thus, it is submitted that defendants are running campaigns by themselves, and through other influential third parties, so as to malign the name and reputation of the plaintiff. It is submitted that the campaigns are being run on social media, as well as offline mode through mass speeches and gatherings, organized, facilitated, or sponsored by these defendants.

7. Learned counsel appearing for the plaintiff has handed over the screenshots of the videos being circulated on the social media, wherein, speeches have been made against the plaintiff.

8. Learned counsel has drawn the attention of this Court to the English translation of the speeches, as reproduced in the present application, to submit that threats are being extended to the plaintiff. She further submits that in view of the various threats, the various employees of the plaintiff, are not reporting for work.

9. Learned counsel appearing for the plaintiff has also shown the screenshots of the videos to show the presence of the defendants in these gathering, where such speeches have been made against the plaintiff.

10. Thus, it is submitted that defendant nos. 2 to 15 and their representatives are trying to stir up the sentiments of the public against the plaintiff and pressurize the plaintiff to withdraw the present suit. The defendants are trying to instigate public outrage against the plaintiff by spreading misinformation among the public of Malegaon, and trying to make them believe that the plaintiff is trying to take away their source of livelihood. Thus, it is submitted that such baseless allegations have the potential to incite the violence and unrest among the public, and cause harm



to the plaintiff and the general public at large.

11. Issue notice. Notice is accepted by learned counsels appearing for defendant nos. 1, 2, 3, 6, 7, 8, 10, 11 & 12.

12. Learned counsels appearing for the defendants, as aforesaid, submit that they have no relation to the speeches being made by third parties, or to the gatherings. They further submit that the defendants have no objection, if the speeches are taken down from the YouTube Channel, as prayed by the plaintiff.

13. Considering the submissions made before this Court, it is directed that the videos available on the YouTube platform, having the following links, i.e., <https://www.youtube.com/watch?v=HwiF9-KXWm4>, <https://www.youtube.com/watch?v=oXxRITORQ1k>, <https://www.youtube.com/watch?v=QKXMaEZNZUg>, shall be immediately taken down and blocked for public viewing, by the YouTube.

14. Since YouTube is not a party before this Court, it is directed that learned counsel appearing for the plaintiff, shall communicate a copy of this order to the Grievance Officer of the YouTube, as well as to the counsel for YouTube, i.e., Ms. Mamta Jha, Advocate, who appears for YouTube in various cases, before this Court.

15. Considering the submissions made by the learned counsel appearing for the defendants that they have no concern with the speeches made in the various gatherings, it is directed that the defendants shall not participate or organize any such gatherings or speeches, which may have the effect of inciting the public against the plaintiff, herein.

16. Let reply be filed within a period of four weeks.

17. Rejoinder thereto, if any, be filed within two weeks, thereafter.

18. List before the Joint Registrar (Judicial), on 29th August, 2024.



19. List before the Court on the date already fixed, i.e., 06th September, 2024.

MINI PUSHKARNA, J

AUGUST 5, 2024/kr