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

+ CS(COMM) 686/2025, I.A. 16082/2025, I.A. 16085/2025

POCKET FM PRIVATE LIMITEDPlaintiff

Through: Mr. Amit Sibal, Sr. Adv. with Ms. Binsy Susan, Mr. Akshay Shankar, Mr. Vishal, Ms. Nedha Sharma, Mr. Sambhav Sharma and Ms. Deeksha Pakhriyal, Advs.

versus

MEBIGO LABS PRIVATE LIMITEDDefendant

Through: Mr. Sai Krishna Rajgopala, Mr. Devvat Joshi, Mr. Akshat Agrawal and Mr. Sankalp Arya, Advs.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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10.07.2025

I.A. 16083/2025 (*Exemption from pre-litigation mediation*)

1. *Vide* the present application under *Section 12A* of the Commercial Courts Act, 2015, read with *Section 151* of the Code of Civil Procedure, 1908 (*CPC*), the plaintiff seeks exemption from pre-litigation mediation.

2. Considering the averments made in the present application, as also since the plaintiff is seeking urgent interim relief, the plaintiff is exempted from instituting pre-litigation mediation, more so, since accompanying applications under *Order XXXIX rule/s 1 & 2* and under *Order XXVI rule 9* of the *CPC* have also been filed herewith.

3. Accordingly, the present application is allowed and disposed of.

I.A. 16087/2025 (*Exemption*)

4. Allowed, subject to all just exceptions.

5. The application stands disposed of.

I.A. 16086/2025 (*Additional documents*)



6. *Vide* the present application under *Order XI Rule 1(4)* read with *Section 151* of the CPC, the plaintiff seeks leave of this Court to file additional documents.

7. The plaintiff will be at liberty to file additional documents at a later stage, *albeit*, after initiating appropriate steps, strictly as per the provisions of the Commercial Courts Act, 2015 read with *Section 151* of the CPC and the Delhi High Court (Original Side) Rules, 2018.

8. Accordingly, the present application stands disposed of.

I.A. 16084/2025 (*Leave to file redacted versions of documents*)

9. *Vide* the present application under *Section 151* of the CPC, the plaintiff seeks leave to file redacted versions of documents.

10. Issue notice.

11. Learned counsel for the defendant accepts notice. He submits that he has no objection if the present application is allowed.

12. For the reasons stated in the application and in view of the aforesaid, the same is allowed and the redacted documents filed along with the captioned plaint as *Document 4(Colly)* and *Document 5(Colly)* are taken on record.

13. Accordingly, the present application is allowed and disposed of.

CS(COMM) 686/2025

14. *Vide* the present plaint, the plaintiff seeks grant of permanent injunction restraining infringement of copyright, passing-off of trademark, unfair trade practice and competition, unjust enrichment, dilution, diversion of business, inducement for breach of contract, tortious interference, damages, appointment of Local Commissioner, etc.

15. Let the plaint be registered as a suit.



16. Issue summons.
17. Learned counsel for the defendant accepts summons.
18. The written statement be filed by the defendant within *thirty days*. Written statement be filed by the defendant along with affidavit of admission/ denial of documents of the plaintiff, without which the written statement shall not be taken on record.
19. Replication thereto, if any, be filed by the plaintiff *fifteen days* from the date of receipt of written statement. The said replication, if any, shall be accompanied by with affidavit of admission/ denial of documents filed by the defendant, without which the replication shall not be taken on record within the aforesaid period of *fifteen days*.
20. If any of the parties wish to seek inspection of any document(s), the same shall be sought and given within the requisite timelines.
21. List before the learned Joint Registrar for marking exhibits of documents on 27.10.2025. It is made clear that if any party unjustifiably denies any document(s), then such party would be liable to be burdened with costs.

I.A. 16081/2025 (*Stay*)

22. *Vide* the present application under *Order XXXIX rule/s 1 and 2* of the CPC, the plaintiff seeks an *ad-interim* injunction restraining the defendant from infringing the copyright in the series '*Super Yoddha*', '*Insta Empire*', '*Amrapali*', '*Vashikaran*' and '*The Immortal Warrior*' of the plaintiff by putting on air series/ episodes with identical/ deceptively similar titles/ storylines being '*Shivay: Brahmaand ka Yoddha*', '*Jobless Ghar Jamai*', '*The Legend of Amrapali*', '*Avtaar*' and '*Immortal Yoddha*' (*impugned series*) on its online platform *Kuku FM*, amongst other



ancillary reliefs.

23. As per learned senior counsel for the plaintiff, the defendant has not only copied the titles of the afore-mentioned series of the plaintiff which amounts to passing off of trademark, but has also heavily borrowed from the content(s) thereof, be it the imagery/ scenery involved, or be it the names and traits of the characters featured therein, to the extent that the entire works of the defendant in the impugned series amount to outright copyright infringement. Learned senior counsel also, after drawing the attention of this Court to various earlier orders passed by co-ordinate Benches of this Court, submits that the defendant is a habitual offender, and has earlier also been guilty of violating the intellectual property rights of the plaintiff in numerous similar works as involved herein on more than one occasion from time to time. Moreover, learned senior counsel for the plaintiff also submits that in light of the everyday losses being incurred by the plaintiff due to redirection of user traffic from the plaintiff's to the defendant's online platforms, a case for grant of an *ad interim* injunction has been made out.

24. *Per contra*, learned counsel for the defendant, appearing on advance service, vehemently opposes the grant of an *ad interim* injunction and contends that the captioned plaint has been filed *mala fide* by the plaintiff with the intent of causing financial losses to the defendant, being its contender. Learned counsel submits that the defendant is not a fly-by-night operator, and, referring to the very plaint filed by the plaintiff, argues that it is the own case of the plaintiff that three of the impugned shows have been on air since as far back as July 2024, the remaining two having been released in August 2024 and May 2025, however, the plaintiff



has only approached this Court now. Learned counsel for the defendant further submits that the above, coupled with the admitted fact that the parties have been embroiled in earlier litigations *qua* similar issues, also revolving around the intellectual property rights involved, since the past four years, i.e. May, 2021, the plaintiff is not entitled to any relief at this stage, especially without the defendant being accorded an opportunity of filing a reply hereto. In fact, learned counsel for the defendant submits that the plaintiff has not approached this Court with clean hands.

25. This Court has heard learned (senior) counsels for the parties as also gone through the pleadings and documents on record.

26. Although it is the case of the plaintiff that it became aware of the impugned series of the defendant only in June 2025, however, considering that the parties are operating in the same field, as also have a previous history of litigation *inter se* themselves since more than the past four years, i.e. since May 2021, as well as considering that it is the own case of the plaintiff that the earliest airing of the first episode of three of the impugned series by the defendant was as far back as in July 2024, and of the subsequent first episodes of the other impugned series were also in August 2024 and May 2025, during which time period the plaintiff has itself instituted other suits being CS(COMM) 875/2024 on 03.10.2024 and CS(COMM) 585/2025 on 28.05.2025 against the very same defendant, this Court is inclined to issue notice in the present application at this stage and give a chance to the defendant to file its reply thereto.

27. Accordingly, issue notice.

28. Learned counsel for the defendant accepts notice. He seeks, and is granted, a period of four weeks to file his reply. Rejoinder thereto, if any,



be filed within a period of two weeks thereafter.

29. However, taking a holistic view of the facts and circumstances involved as per above, to balance the equities between the parties, in addition to filing its reply, the defendant is also directed to file an affidavit of one of its responsible representatives disclosing the details of the number of episodes of each of the five impugned series as on date alongwith the Balance Sheets/ Books of Accounts/ Income Tax Return records and/ or any other sufficient proofs/ records maintained with it reflecting the revenues generated/ earned by it *qua* each of the five impugned series since and from the respective dates of launch/ release of the first episode(s) thereof within a period of four weeks. The defendant is further restrained from launching/ coming out with/ releasing any new episode(s) of any of the aforesaid five impugned series in any manner whatsoever till the next date of hearing.

30. At this stage, learned counsels for the parties also seek, and are granted, a period of six weeks to file their respective written synopsis not exceeding five pages, giving a chronological list of dates and events and relevant documents, if any, alongwith duly highlighted judgments setting out the propositions of law therein, they wish to rely upon.

31. Renotify before Court on 29.08.2025.

SAURABH BANERJEE, J

JULY 10, 2025/Ab