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

+ CS(COMM) 908/2022

ARRMANN SHANKAR SHHARMA @ SAMEER
SHANKAR BHATTACHARYA

.....Plaintiff

Through: Mr. Tushar Nair and Ms.
Deshna Jain, Advs.

versus

BEAR GRYLLS & ORS.

.....Defendant

Through: Mr. Kshitij Parashar and Mr.
Abhineet Kalia, Advs for D-
2, 4 & 6.

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. SWATI KATIYAR

ORDER

% **29.04.2026**

I.A. No. 8493/2024 filed by defendant no. 2 to take on record the written statement.

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I.A. No. 10649/2024 filed by defendant no. 4 seeking the Hon'ble Court's leave to file the accompanying written statement.

1. Both the IAs are listed for orders. However, certain clarifications are required from Ld. Counsels for both the parties regarding applicability of Hague Convention to the plea raised on behalf of defendant no. 2 and 4. Ld. Counsels for both the parties seek some time to submit clarifications on the aforesaid aspect. Ld. Counsels further submit that they will tender a note containing relevant submissions before next date.

2. In view of same, put up for further arguments on aforesaid applications on 26.05.2026.



I.A. No. 16824/2023 filed by defendant no. 6 for its deletion.

3. Matter is listed for orders.
4. Vide the present application, defendant no.6 has prayed for its deletion. It is submitted by Ld. Counsel for defendant no.6 that the present suit alleges infringement of copyright in an idea / concept that the plaintiff claims to have created, due to alleged broadcast of the show titled “Get Out Alive with Bear Grylls”. It is submitted that as per the notice of the Hon’ble Court dated 11.04.2023, it is noted that one “The Walt Disney” with an address of United States of America, has been added as defendant no. 6.
5. It is submitted by Ld. Counsel for defendant no. 6 that the Walt Disney Company and entity incorporated under Law of United States of America, has filed a written statement and reply to the application on the assumption that the arrayed party is erroneous reference to it. It is submitted that the present application has been filed since defendant no. 6 is neither a proper nor a necessary party to the present suit and no effective relief sought by the plaintiff can be granted against the defendant no.6.
6. Ld. Counsel for defendant no.6 argues that the defendant no.6 has been impleaded as a party to the suit solely on the basis of incorrect submissions of the plaintiff that the show was broadcasted in India on the OTT platform “Disney + Hotstar”, which platform is co-owned by the defendant no.6. It is submitted that the plaintiff has made a false statement in the plaint that the defendant no.5 is co-owned by defendant no.6. It is submitted that defendant no.6 neither owns nor co-owns the Hotstar platform and plaintiff neither has nor can file any documentary proof to the contrary i.e. that defendant no.6 co-owns the said platform.



7. It is submitted by Ld. Counsel for defendant no. 6 that Hotstar is infact owned and operated by defendant no.5 i.e. Novi Digital Entertainment Limited, which is a subsidiary of Star India Private Limited, which would also be clear from the written statement filed by defendant no.5. It is submitted that defendant no.6 i.e. the Walt Disney Company is the indirect parent of defendant no.5, Novi Digital Entertainment Limited. However, defendant no.6 does not operate or control the Hotstar platform including any content broadcasted on the said platform.

8. It is submitted that defendant no.6 has no role to play in the alleged broadcasting of the Show on the Hotstar Platform and cannot be held liable for any alleged infringement of copyright to such broadcast, as claimed under the present suit.

9. It is thus submitted that Defendant No. 6 is neither a proper nor necessary party to the Suit since no effective relief sought by the Plaintiff can be passed against it and the suit can be adjudicated without the presence of Defendant No. 6. It is thus prayed that defendant no.6 may be deleted from the array of parties.

10. Perusal of record shows that the right of plaintiff to file reply to the present application was closed vide order dated 27.08.2024. However, Ld. Counsel for plaintiff advanced oral arguments and vehemently opposed the application by stating that the plaintiff is the master of its own case and has pleaded several reliefs against defendant no.6. It is submitted by Ld. Counsel for plaintiff that defendant no.6 is equally involved in publication of infringing contents and the averments raised by defendant no.6 are a matter of trial which cannot be appreciated at this stage. Ld. Counsel for plaintiff also relied upon decision of Hon'ble Supreme Court in Sumer Singh Salkan vs. Vikram Singh Mann & Ors 2022 SCC OnLine Del 76 in support of his arguments.



11. I have considered the submissions and perused the record carefully.

12. The present suit has been filed by the plaintiff seeking permanent injunction, rendition of accounts and damages against the defendants. The plaintiff has also prayed for written apology from the defendants and further directions to pay royalty to the plaintiff.

13. The law governing deletion or impleadment of parties is well settled. Hon'ble Supreme Court in *Mumbai International Airport (P) Ltd. V. Regency Convention Centre and Hotels (P) Ltd. (2010) 7 SCC 417* and *Nak Engineering Company Pvt. Ltd. Versus Tarun Keshrichand Shah and Others 2026 INSC 8* has reiterated that plaintiff in a suit is *dominus litis* and may choose the persons against whom he wishes to litigate.

14. In the present plaint, plaintiff has categorically averred that defendant no. 6 co-owns defendant no. 5 and that defendant no. 5 to 7 indirectly earned huge profits by infringing copyright of the plaintiff. Plaintiff has further averred that defendant nos. 1 to 7 have made unauthorized use of the copyrighted work of the plaintiff and defendant no. 5 to 7 have telecasted and broadcasted the infringed copyright of plaintiff. There are categorical averments against defendants including defendant no. 6 in paragraph 31 to 37 and 39 of the plaint. It is averred that defendant nos. 1 to 6 have earned minimum profit to the tune of Rs.1500 to Rs.2000 crores from the infringing show. Further, the plaintiff has sought relief of permanent injunction, rendition of accounts, damages, written apology and royalty from defendant no. 6.

15. The averments made by plaintiff in the plaint are sufficient in nature for defendant no. 6 to be a necessary and proper party for adjudication of the suit. Its deletion at this stage may lead to



fragmented adjudication and multiplicity of proceedings, which the law seeks to avoid. The arguments raised by Ld. Counsel for defendant no. 6 are a matter of trial and cannot be adjudicated at this stage. The plaintiff needs to be given an opportunity to prove their case against defendant no. 6. Hence, in the facts and circumstances of the case and in view of the observations made above, the present application filed on behalf of defendant no. 6 seeking its deletion stands **dismissed**.

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16. Pleadings qua defendant nos. 1, 3, 5 and 7 are complete.

17. Put up for further arguments in IA No.8493/2024 and IA No. 10649/2024 on 26.05.2026.

**MS. SWATI KATIYAR,
JOINT REGISTRAR (JUDICIAL)**

APRIL 29, 2026/bk