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

I.A. 44565/2024

IN

+ CS(COMM) 676/2023

JAINEMO PRIVATE LIMITED

.....Plaintiff

Through: Mr. Mayank Wadhwa, Ms. Muskan Gupta and Ms. Yukti, Advocates.

versus

RAHUL SHAH AND OTHERS

.....Defendants

Through: Mr. Madhav Khosla and Ms. Moha Paranjpe, Advocate for D-16.

Ms. Swati Agarwal, Mr. Vaarish K. Saawalani and Ms. Aratrika Brahmachari, Advocates for D-19.

Ms. Rima Majumdar, Mrs. Bindra Rana and Ms. Aditi Umapathy, Advocates for D-22.

Mr. Debarshi Dutta and Ms. Nikita Rathi, Advocate for D-28.

Mr. Varun Pathak, Ms. Amee Rana and Mr. Dhruv Bhatnagar, Advocates for D-31.

Mr. Nipun Arora, Ms. Annanya Mehan, Mr. Shivender Gupta and Mr. Aman Singh, Advocates for D-42.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

11.11.2024

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I.A. 44565/2024 (under Order XXXIX Rule 4 CPC)

1. This application has been filed on behalf of the defendant no.42 under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908 (hereinafter, 'CPC') seeking modification of the order dated 28th October, 2024 insofar as



it pertains to the defendant no.42.

2. Counsel appearing for the defendant no.42 submits that the defendant no.42 is operating as an intermediary and therefore, the directions contained in paragraphs 30, 31 and 39 of the order passed on 28th October, 2024 should not be made applicable to the defendant no.42.

3. Issue notice.

4. Mr. Mayank Wadhwa, Advocate accepts notice on behalf of the plaintiff.

5. Mr. Wadhwa submits that he does not object to the aforesaid paragraphs in the order dated 28th October, 2024 being modified *qua* defendant no.42, subject to the condition that the defendant no.42 shall take down all infringing links that are available on the website of the defendant no.42 and those which are communicated by the plaintiff to the defendant no.42.

6. Counsel for the defendant no.42 is agreeable for taking down the infringing links as communicated by the plaintiff within 48 hours of the communication.

7. Counsel for the parties agree that for the aforesaid purpose, a WhatsApp Group consisting of three representatives each of the plaintiff and the defendant no.42 would be constituted.

8. It is further agreed between the counsel that the plaintiff shall communicate a few key words in respect of their content to the defendant no.42 and if such content is found on the website of the defendant no.42 containing the aforesaid key words, the defendant no.42 would communicate it to the plaintiff. Further, upon plaintiff's instructions, the same may be taken down in the manner indicated above.



9. In view of the aforesaid arrangement, it is ordered that the directions contained in paragraphs 30 and 31 shall not apply to the defendant no.42. Further, the directions contained in paragraph 39 of the order dated 28th October, 2024 shall stand deleted.

10. The remaining part of the order passed on 28th October, 2024 shall remain unaltered.

11. The application stands disposed of.

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12. Counsel for the defendant no.42 submits that in view of the aforesaid arrangement worked out between the parties, the suit against the defendant no.42 can be decreed.

13. Counsel for the plaintiff is agreeable to the same.

14. Accordingly, the suit is decreed in terms of paragraphs 5 to 8 above in favour of the plaintiff and against the defendant no.42.

15. Counsel for the parties point out that the date before the Joint Registrar given in the order dated 28th October, 2024 falls on a Sunday. Hence, it is requested that a fresh date be given.

16. Accordingly, the date of 17th November, 2024 stands cancelled and the matter would be listed before the Joint Registrar on 28th November, 2024.

17. List before Court on the date already fixed i.e. 7th February, 2025.

18. Counsel for the plaintiff shall inform all the counsel for the defendants of the revised date.

AMIT BANSAL, J

NOVEMBER 11, 2024

Vivek/-