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

I.A. 47895/2024

In

+ **CS(COMM) 676/2023**

JAINEMO PRIVATE LIMITED

.....Plaintiff

Through: Mr. Mayank Wadhwa and Ms.
Muskan Gupta, Advocate.

versus

RAHUL SHAH AND OTHERS

.....Defendants

Through: Ms. Swati Agarwal, Mr. Mohit Singh,
Mr. Vaarish K. Sawlaani and Ms.
Aratrika Brahmachari, Advocates for
D-19.

Ms. Asavari Jain, Advocate for D-20.
Mr. Mrinal Ojha, Mr. Debarshi Dutta,
Mr. Arjun Mookherjee and Mr. Nikhil
Gupta, Advocates for D-28.
Mr. Varun Pathak, Ms. Ameer Rana,
Mr. Dhruv Bhatnagar and Ms. Charu
Sharma, Advocates for D-31.
Mr. Shaurya Pushpam, Mr. Pranjal
Singh, Mr. Abhiprav Singh and Mr.
Anand Singh, Advocates for D-43.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

11.12.2024

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I.A. 47895/2024 (u/O XXXIX Rule 4 of CPC)

1. This application has been filed on behalf of the defendant no.43 under



Order XXXIX Rule 4 of the Code of Civil Procedure, 1908 ('CPC') seeking setting aside of the directions passed *qua* the said defendant in the order passed by this Court on 28th October, 2024.

2. The relevant extract of the order dated 28th October, 2024 is set out below: -

“40. Defendant No.23 is directed to lock and suspend the domain “Turbopayz.com” (Defendant No.43) and provide its registrant details.”

3. It is stated that the defendant no.43 is a payment gateway and is not involved in any of the alleged copyright infringement activities. It operates merely as a payment gateway that facilitates transactions by providing technical infrastructure for processing payments.

4. Issue notice.

5. Notice is accepted by Mr. Mayank Wadhwa, counsel appearing on behalf of the plaintiff.

6. Mr. Wadhwa submits that he has no objection if the directions contained in paragraph 40 of the order dated 28th October, 2024 are recalled, subject to the defendant no.43 providing information to the plaintiff in respect of the infringing entities on demand.

7. Counsel for the applicant/defendant no.43 is agreeable to the same.

8. Accordingly, the directions contained in paragraph 40 of the order dated 28th October, 2024 are recalled and the defendant no.23 is directed to withdraw the suspension and locking of the domain name “Turbopayz.com” (Defendant no.43).

9. Defendant no.43 shall ensure that their payment gateway is not used



for the sale of material infringing the copyright of the plaintiff. Further, upon a request being made by the plaintiff, the defendant no.43 shall provide all available details to the plaintiff in respect of the infringers.

10. The application stands disposed of.

AMIT BANSAL, J

DECEMBER 11, 2024

Vivek/-