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

+ **CS(COMM) 816/2023**

WOW MOMO FOODS PRIVATE LIMITEDPlaintiff

Through: Mr. Shashwat Rakshit and Ms. Apurva
Bhutani, Advocates.

versus

ASHOK KUMAR/JOHN DOE & ORS.Defendants

Through: Mr. Mrinal Ojha, Mr. Debarshi Dutta,
Mr. Nikhil Gupta and Mr. Shivam
Tiwari, Advocates for D-2.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **29.04.2026**

I.A. 12045/2026 (Under Order XXXIX Rules 1 and 2 read with Section 151 of the CPC)

1. This is an application filed on behalf of the plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 seeking a prayer against defendant no.2/Godaddy.com, LLC, to lock and suspend access to the infringing domain name- <https://wowmomofranchises.co.in/> or such other domain names that may subsequently be notified by the plaintiff to be infringing of its exclusive rights.

2. Learned counsel for the plaintiff invites attention of this Court to the order dated 20.02.2024, particularly to para 8, to submit that once the original interim injunction was passed, upon finding various domain names being

registered infringing the mark WOW! MOMO /  of the plaintiff, the modification to the order dated 09.11.2023, was necessitated. He states that in para 8 of the order dated 20.02.2024, such confirmation was passed *qua* other infringing domain names. He also states that in para 8, this Court had



worked out a modality, whereby a dynamic injunction was granted against the DNRs particularly defendant nos. 2 to 5 to revert back to the plaintiff in case there is any reservation against the communication sent by the plaintiff regarding what it perceives as an infringing domain name which comes to its notice subsequently.

3. He states that in compliance of the said order, in the month of February, 2026, the plaintiff came across the infringing domain name-<https://wowmomofranchises.co.in/>. He states that the said information was communicated to the defendant no.2 *vide* its communication dated 02.02.2026. He also further states that the plaintiff received an e-mail communication in response from the defendant no.2 dated 09.03.2026, whereby the defendant no.2 stated that this Court had not passed any order in the context of the said domain name, therefore, the defendant no.2 would be unable to take any action on its own accord.

4. He states that the said refusal is contrary to and violative of the dynamic injunction passed by this Court *vide* the order dated 20.02.2024.

5. *Per contra*, learned counsel for the defendant no.2, states that the Domain Names Registrars are passive entities and are not arbiters so as to decide whether a particular website is infringing or not . He states that it only by virtue of the Court's order that the Domain Name Registrars like Godaddy implement such orders and do not take any views or sides. He states that in case this Court is inclined to pass any orders to extend the previous orders, the defendant no.2 shall comply within the time fixed.

6. Having regard to the aforesaid statement of the learned counsel for the defendant no.2, the orders dated 09.11.2023 and 20.02.2024 stand extended to the infringing domain name-<https://wowmomofranchises.co.in/> and the defendant no.2 is directed to lock and suspend the access to the said infringing domain name within three days.



7. The BSI details of the infringing websites shall also be furnished by the defendant no.2 within two weeks from date. The plaintiff is permitted to implead the registrants of the domain name-<https://wowmomofranchises.co.in/> once the BSI details are available to it.

8. No doubt, the Domain Name Registrars are to remain passive, however, if the Court has passed a dynamic injunction, particularly giving certain names which are almost identical or close enough to the new names which may be surfacing time and again, it is expected that the Domain Name Registrars shall comply with such directions in terms of orders dated 09.11.2023 and 20.02.2024 passed by this the Court.

9. Accordingly, the application is allowed with the aforesaid directions.

10. The application is disposed of.

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11. List on 06.10.2026.

TUSHAR RAO GEDELA, J

APRIL 29, 2026

Sumit