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

+ **CS(COMM) 893/2024 & I.A. 43674/2024, I.A. 43675/2024, I.A. 43676/2024**

MM STYLES PRIVATE LIMITED

.....Plaintiff

Through: Mr. Pravin Anand, Mr. Dhruv Anand,
Ms. Udit Patro, Mr. Dhananjay
Khanna, Ms. Sampurnaa Sanyal, Ms.
Nimrat Singh, Advocates
(M:9313399860)

versus

MASABA COUTURE & ORS.

.....Defendants

Through: None.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

28.10.2024

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I.A. 43674/2024 (Application for modification of order dated 09th October, 2024)

1. The present application has been filed on behalf of the plaintiff under Section 151 of Code of Civil Procedure, 1908 ("CPC"), for modification of the order dated 09th October, 2024 passed by this Court.
2. It is submitted that vide order dated 09th October, 2024, upon *prima facie* case being made by the plaintiff, *ex-parte ad interim* injunction was granted in favour of the plaintiff.
3. It is submitted that at the time of institution of the suit, plaintiff's counsel had encountered a third-party website mentioning that the plaintiff received the 'Padma Shri' award in 2014. However, upon subsequent verification, it was discovered that this was not correct and the plaintiff in



fact has not received the 'Padma Shri' award. Thus, it is submitted that in view of the inadvertent statement made in the plaint, it has been recorded in the order dated 09th October, 2024 that the plaintiff was the recipient of the 'Padma Shri' award, in Para 29 of the order dated 09th October, 2024.

4. It is submitted that the said mistake was inadvertent based on a third-party website and the plaintiff tenders his unconditional apology for making such a submission before this Court inadvertently. Thus, the present application has been moved for deletion/modification of the Para 29 of the order dated 09th October, 2024.

5. Considering the submissions made before this Court and considering the fact that the defendants are yet to put in appearance and that only summons have been issued by this Court, the present application is allowed and Para 29 of the order dated 09th October, 2024 is directed to be deleted from the said order.

6. With the aforesaid directions, the present application is disposed of.

I.A. 43676/2024 (Application under Order VI Rule 17 read with Section 151 of CPC)

7. The present application has been filed under Order VI Rule 17 read with Section 151 of CPC for amendment of the plaint.

8. It is submitted that at the time of institution of the suit, the plaintiff's counsel had encountered a third-party website mentioning that the plaintiff received the 'Padma Shri' award in 2014. Upon subsequent verification, it was discovered that this was not correct and the plaintiff in fact has not received the 'Padma Shri' award. Therefore, the plaintiff has filed the present application to correct the said error, which was caused inadvertently in the plaint as well as in the List of Dates with the plaint.



9. Additionally, the plaintiff also intends to make certain amendments to the comparison table of the defendant no. 4's Instagram posts and the original images on the plaintiff's Instagram handle, as mentioned in paragraph 79 of the plaint.

10. It is submitted that the plaintiff is not making any material change and is only making certain clarifications for a better understanding of the defendant no. 4's infringing activities.

11. Further, it is submitted that the plaintiff also intends to make a clerical change in Para 99 (h) of the plaint which is the prayer clause pertaining to a dynamic injunction against mirror/redirect/alphanumeric variations of the social media profiles/websites identified in the said suit. Thus, it is submitted that the plaintiff seeks leave of this Court to make changes in Para 11, 79 and 99(h) of the plaint as well as List of Dates.

12. Considering the fact that the suit is still in its preliminary stage and issues are yet to be framed and the defendants are yet to enter appearance after issuance of summons, this Court is of the view that no prejudice would be caused to the defendants, if these amendments are allowed.

13. Accordingly, the present application is allowed. The amended plaint along with the present application is taken on record.

14. With the aforesaid directions, the present application is disposed of.

CS(COMM) 893/2024

15. In view of the fact that amended plaint has been taken on record by today's order, issue summons to the defendants to the amended plaint, upon filing of process fee. Summons shall state that the written statement be filed by the defendants within thirty days from the date of receipt of summons. Along with the written statement, the defendants shall also file affidavit of



admission/denial of the plaintiff's documents, without which, the written statement shall not be taken on record.

16. Liberty is given to the plaintiff to file replication within thirty days from the date of receipt of the written statement. Further, along with the replication, if any, filed by the plaintiff, an affidavit of admission/denial of documents of the defendants, be filed by the plaintiff, without which, the replication shall not be taken on record. If any of the parties wish to seek inspection of the documents, the same shall be sought and given within the timelines.

17. List before the Joint Registrar (Judicial) for marking of exhibits, on 27th November, 2024.

18. List before the Court on 07th February, 2025, i.e., the date already fixed.

I.A. 43675/2024 (Application under Order XXXIX Rules 1 and 2 read with Section 151 of CPC)

19. The present application has been filed under Order XXXIX Rules 1 and 2 read with Section 151 of CPC seeking grant of *ex-parte ad interim* injunction against the unknown persons, who are John Doe(s).

20. It is submitted that this Court vide order dated 09th October, 2024 had already granted an *ex-parte ad interim* injunction in favour of the plaintiff and against the other known identified defendants. However, there are multiple other unidentified parties that are also violating the plaintiff's rights by using the copyrighted photographs/images from the plaintiff's website/social media channel, infringing the plaintiff's copyright in the artistic works/garments, as also passing off their products as those of the plaintiff.



21. It is submitted that though such unknown defendants, i.e., John Does, had been impleaded along with the plaint, however, inadvertently, in the application for seeking *ad-interim* injunction prayer with regard to the John Doe parties, was inadvertently not added. Thus, the present application has been filed for extending the order dated 09th October, 2024 to the John Doe parties. List of the infringing links/ URLs, filed along with the present application is attached as Annexure-A to the present order.

22. Considering the fact that a *prima facie* case has already been established by the plaintiff and vide order dated 09th October, 2024, an *ex-parte ad interim* order has been passed in favour of the plaintiff, there is no impediment in extending the said order to the URLs of the John Doe parties, now identified by the plaintiff and filed along with the present application.

23. Considering the facts and circumstances of the present case, the *ad-interim* injunction order dated 09th October, 2024 is extended to the various URLs, details of which are enlisted as Annexure-A to the present order.

24. With the aforesaid directions, the present application is disposed of.

MINI PUSHKARNA, J

OCTOBER 28, 2024

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Annexure-A

List of Infringing Links:

1. https://www.instagram.com/kurtapajama_model/p/C_51fW2ymAg/?img_index=1
2. https://www.instagram.com/p/C_8cXdTTtyC/?img_index=2
3. <https://utsarees.in/products/premium-jahnvi-kapoor-inspired-tissue-silk-saree>
4. https://www.instagram.com/p/C9CVvQrvoz1/?img_index=1
5. <https://www.indiamart.com/proddetail/celebrity-designer-banarasi-sarees-warm-katan-silk-with-rich-jungla-woven-work-with-floral-border-2855059955548.html?mTd=1>
6. <https://www.abirabybeena.com/products/nita-ambani-soft-silk-saree-black>
7. <https://www.myntra.com/sarees/besucher/besucher-woven-design-printed-banarasi-zari-saree/28681910/buy>
8. <https://navja.in/product/pink-and-red-printed-satin-saree/>
9. <https://queensuits.com/product/kriti-sanon-pink-red-color-satin-silk-lining-design-saree/>
10. <https://www.indiamart.com/proddetail/soft-japan-satin-saree-2853493323855.html>
11. <https://www.indiamart.com/proddetail/ladies-pink-striped-satin-saree-2853648871373.html?mTd=1>
12. <https://hanfihandicraft.com/products/janhvi-kapoor-inspired-baby-pink-soft-tissue-silk-saree>
13. <https://theuseeshop.com/products/janhvi-kapoor-inspired-tissue-silk-saree>
14. <https://ishvariwomensworld.com/products/jahnvi-kapoor-inspired-tissue-saree>



15. <https://swayaworld.com/products/new-designer-saree-inspired-by-jhanvi-kapoor>
16. <https://maahishmati.com/products/janhvi-kapoor-chanderi-tissue-silk-saree-pink>
17. <https://www.indiamart.com/proddetail/bollywood-jahnvi-kapoor-saree-2854506131512.html>
18. https://www.instagram.com/p/C1qipDpvBqj/?img_index=2
19. https://www.instagram.com/p/CzQwAtyvqFn/?img_index=1
20. https://www.instagram.com/p/C-ZjmMlv-V8/?img_index=1
21. <https://sarisansar.com/products/baby-pink-golden-saree>
22. https://www.instagram.com/p/C1oAGKZRLZT/?img_index=1
23. <https://www.indiamart.com/proddetail/men-jodhpuri-suit-2853883017988.html>
24. <https://www.anantexports.in/products/copy-beautiful-designer-heavy-georgette-exclusive-sequanc-saree-design-5302>
25. <https://www.mavilife.com/product-page/golden-brown-starry-night-heavy-georgette-sequin-sateen-saree-with-tassel-pallu>
26. <https://peachmode.com/products/brown-sequins-embroidered-grorgette-saree>
27. https://www.instagram.com/p/Czp-Xi1PITL/?img_index=4
28. https://www.instagram.com/p/C4kIGAAIoJP/?img_index=3
29. <https://vastrashop.com/products/celebrity-madhuri-dixit-wear-black-color-saree>
30. <https://ethnirace.com/product/madhuri-dixit-black-saree-for-diwali-celebration/>
31. <https://www.indiamart.com/proddetail/designer-soft-net-sequence-work-saree-2854044490330.html?mTd=1>



32. <https://anayadesignerstudio.com/products/madhuri-dixit-black-saree-for-party-2024>
33. https://www.instagram.com/p/Cwpcf4zrPyby/?img_index=7
34. <https://www.amazon.in/PYOS-Womens-Georgette-Unstitched-Blouse/dp/B0CDRNP8L7>
35. https://www.instagram.com/gopifashion_official/p/CwreCKPP1Jl/?img_index=10
36. https://www.instagram.com/poshak.bazaar/p/Cwrd1o6PFGw/?img_index=9
37. <https://www.globallinker.com/products/heavy-georgette-saree-with-satin-silk-with-blouse-piecs-8345903>
38. <https://amrutamfab.com/products/captivating-sequence-embroidery-work-peach-color-saree>
39. <https://livikart.in/product/georgette-saree-in-a-heavy-design-with-satin-silk-and-blouse-pieces-included/>
40. <https://www.indiamart.com/proddetail/pink-georgette-saree-with-sequin-embroidery-work-collection-2854035554248.html?mTd=1>
41. <https://ethnicsupply.in/products/dreamy-coral-pink>
42. https://vaastrastudio.com/products/untitled-aug6_13-04
43. <https://amazon.in/Royalstyle-Georgette-Beautiful-Sequance-Embroidery/dp/B0CDGPD3JZ>
44. <https://royalanarkali.com/product/classic-black-color-georgette-embroidery-lehenga-saree/>
45. <https://festivalsuits.com/product/classic-black-color-georgette-embroidery-lehenga-saree/>
46. <https://stylady.in/products/copy-of-beautiful-sequins-sarees-3>
47. <https://www.sabikare.in/product-page/stylish-sequin-embroidered-georgette-saree-for-festive-occasions>



48. <https://saree.bollywoodlehenga.com/products/stunning-sequence-work-black-color-saree>
 49. <https://vastracloth.com/products/terrific-black-color-sequence-embroidery-work-saree>
 50. https://www.instagram.com/meraakinxtbynikkimonali/p/C9iHzwNocYu/?img_index=1
 51. https://www.instagram.com/aspirecollectionlko/p/DAV6DapTYGI/?img_index=4
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