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

+ **CS(COMM) 1403/2016 & IA No.12634/2016 (u/O 39 R-1&2 CPC)**

MONSTER.COM (INDIA) PVT LTD

..... Plaintiff

Through: Mr. Ankur Sangal and Ms. Sucheta
Roy, Advs.

Versus

BIKRAM NAYAK & ORS

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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22.12.2016

1. The counsel for the plaintiff states that the plaintiff has been unable to find the present address of the defendants No.1&2. An affidavit dated 21st December, 2016 to this effect is stated to have already been filed and a copy thereof is handed over in the Court and taken on record. As per the said affidavit, the defendants No.1&2 are not existing at the address available with the plaintiff.

2. The plaintiff has instituted this suit to restrain the defendants No.1&2 from infringing the trademark / trade name 'MONSTER' of the plaintiff by registering the domain name www.monsterworlds.co.in with the defendant No.3 Big Rock Domain Registration & Web Hosting, being the Registrar of Domain Names, and for ancillary reliefs.

3. Vide *ex-parte* order dated 7th October, 2016, while issuing summons of the suit, the defendants No.1&2 were restrained from using the word
CS(COMM) 1403/2016

‘MONSTER’ in any manner whatsoever or any other word similar or deceptively similar thereto and from conducting any business from their website www.monsterworlds.co.in and the defendant No.3 Big Rock Domain Registration & Web Hosting was also directed to block the domain name www.monsterworlds.co.in.

4. The counsel for the plaintiff states that the defendant No.3 has in compliance of the order blocked the website and the defendants No.1&2 are not using the trademark / trade name ‘MONSTER’.

5. From the implementation of the *ex-parte* order, it is evident that all the defendants are in know of the suit and have voluntarily chosen not to appear.

6. The defendants having chosen not to contest the suit and being satisfied on a perusal of the plaint and the documents filed therewith (as per ***Satya Infrastructure Ltd. Vs. Satya infra & Estates Pvt. Ltd.*** 2013 SCC OnLine Del 508 need for *ex-parte* evidence is not felt) of the entitlement of the plaintiff to the relief of permanent injunction as claimed, I have enquired from the counsel for the plaintiff, the entitlement of the plaintiff to the other reliefs claimed.

7. The counsel for the plaintiff states that subject to the suit for the reliefs of permanent injunction being decreed, the plaintiff is not pressing the suit for other reliefs.

8. Accordingly, a decree is passed in favour of the plaintiff and against the defendants No.1&2 namely Mr. Bikram Nayak and Monsterworlds.co.in (India) Pvt. Ltd. in terms of prayer paragraphs (a), (b) & (c) of the plaint and against the defendant No.3 Big Rock Domain Registration & Web Hosting
CS(COMM) 1403/2016

in terms of prayer paragraph (f) of the plaint. It is further ordered that the costs if any of transfer of the domain name www.monsterworlds.co.in from the name of the defendants No.1&2 to the name of the plaintiff shall be borne by the plaintiff.

9. The parties are left to bear their own costs.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

DECEMBER 22, 2016

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