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

+ **CS(COMM) 164/2021& I.A. 5064/2021.**

**ZOMATO PRIVATE LIMITED FORMERLY ZOMATO MEDIA
PVT LTD Plaintiff**

Through:

versus

HARSH PANDEY & ORS. Defendant

**Through: Ms. Namrata Chandorkar and Ms.
Arunima Shrivastava, Advs. for D-1,
3 to 7.
Ms. Mamta Rani Jha, Ms. Shruttima
Ehersa, Mr. Rohan Ahuja and Ms.
Diya Viswanath, Advs. for D-9.**

**CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER
10.04.2024**

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1. Pursuant to previous order dated 08th February, 2024, counsel for defendant Nos. 1 & 3-7 states that they have filed an affidavit duly deposed by the said defendants. The affidavit itself has been handed up in Court and the Court has perused the same. In each of these said affidavits, an undertaking has been given in the following terms:

“2. I undertake that I shall not upload, post, share, or disseminate the impugned video, or any other video/content concerning the plaintiff, in any manner whatsoever, on any form of media. Furthermore, I undertake not to infringe upon the trademark of the plaintiff in any manner.



3. *The deponent hereby tenders an unconditional apology for any harm of inconvenience caused to the plaintiff due to our lack of awareness and unintentional actions. The deponent assure that I shall strictly adhere to this undertaking.”*

2. In view of the same, counsel for plaintiff does not press for any further relief of costs and damages.

3. The suit is, therefore, disposed of in terms of the said undertaking which the said defendants will abide by and will be bound by.

4. As regards defendant No.9 (Google LLC), their role was merely related to the compliance of the takedown which has been duly done pursuant to the order dated 08th April, 2021. No further relief is sought against defendant No.9.

5. As regards defendant No.2, no one appears on his behalf and has entered appearance ever in the said suit despite having been served through email. As apparent from the memo of parties, the addresses were not known and it is not clear, as stated by counsel for plaintiff that defendant No.2, whether that particular person, does exist or not. Accordingly, defendant No.2 is deleted from the array of parties.

6. Counsel for defendant Nos. 1 & 3-7 will ensure that the said affidavits are placed on record *vide* diary No. E-1051335/2024.

7. Considering the settlement which is being arrived at between the parties and the relief having worked itself out by the efforts of the counsels, plaintiff shall be entitled to refund of the Court Fees out of which 50% will be given to the Delhi High Court Lawyer's Welfare Fund.

8. Suit is disposed of. Pending applications, if any, also stand disposed of as infructuous.



9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 10, 2024/MK/na