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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 95/2023, CM APPL. 24320/2023**
(Direction), CM APPL. 42476/2023

HARSHAL VIKRAMBHAI PATEL & ANR. Appellants

Through: **Ms. Ruby Singh Ahuja and Mr.**
Vasu Singh, Adv.

versus

GALACTUS FUNWARE TECHNOLOGY PRIVATE
LIMITED & ORS. Respondents

Through: **Ms. Raj Latha Kotni, Ms.**
Swagita Pandey, Ms. Chahat
Raghav, Mr. Anirudh
Ramanathan and Ms. Ananya
Singh, Adv. for R-1.

Mr. Amit Sibal, Sr. Adv. with
Mr. Maanav Kumar, Ms.
Bijaharini G., Mr. Rishab
Sharma and Mr. Saksham
Dhingra, Adv. for R-2.

Mr. Abhishek Malhotra, Mr.
Kartikay Dutta, Mr. Talluri
Srikrishna and Mr. Raghav
Shukla Adv. for Intervenors -
Winzo Games Private Ltd.

Mr. Aditya Gupta, Adv. for All
India Gaming Federation.

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+ **FAO(OS) (COMM) 96/2023, CM APPL. 24328/2023 (Interim**
Injunction), CM APPL. 24331/2023, CM APPL. 42599/2023
(Intervention), CM APPL. 47642/2023 (Intervention), CM
APPL. 53546/2023 (Addl. Document)



DIGITAL COLLECTIBLES PTE LTD.
AND ANR.

..... Appellants

Through: Mr. Neeraj Kishan Kaul, Sr.
Adv. with Ms. Shwetashree
Majumdar, Mr. Aditya Verma,
Mr. Prithvi Singh and Mr.
Rigved Prasad, Advs.

Versus

GALACTUS FUNWARE TECHNOLOGY PRIVATE
LIMITED AND OTHERS

..... Respondents

Through: Ms. Raj Latha Kotni, Ms.
Swagita Pandey, Ms. Chahat
Raghav, Mr. Anirudh
Ramanathan and Ms. Ananya
Singh, Advs. for R-1.

Mr. Amit Sibal, Sr. Adv. with
Mr. Maanav Kumar, Ms.
Bijaharini G., Mr. Rishab
Sharma and Mr. Saksham
Dhingra, Advs. for R-2.

Ms. Ruby Singh Ahuja and Mr.
Vasu Singh, Advs. for R-3 and
R-4.

Mr. Kushal Kumar, Mr. Ravi
Goyal, Mr. Akash Deep Gupta
and Mr. Suryansh Gaur, Advs.
for Intervenor– Fancraze.

Mr. Abhishek Malhotra, Mr.
Kartikay Dutta, Mr. Talluri
Srikrishna and Mr. Raghav
Shukla Advs. for Intervenor -
Winzo Games Private Ltd.



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FAO(OS) (COMM) 97/2023, CM APPL. 24347/2023
(Direction), CM APPL. 42602/2023 (Intervention)

MOHAMMED SIRAJ AND ANR. Appellants

Through: Mr. Utsav Trivedi, Ms. Manini
Roy, Ms. Shivani Bhushan and
Ms. Diksha Tyagi, Advs.

Versus

GALACTUS FUNWARE TECHNOLOGY PRIVATE
LIMITED AND OTHERS Respondents

Through: Ms. Raj Latha Kotni, Ms.
Swagita Pandey, Ms. Chahat
Raghav, Mr. Anirudh
Ramanathan and Ms. Ananya
Singh, Advs. for R-1.

Mr. Amit Sibal, Sr. Adv. with
Mr. Maanav Kumar, Ms.
Bijaharini G., Mr. Rishab
Sharma and Mr. Saksham
Dhingra, Advs. for R-2.

Ms. Ruby Singh Ahuja and Mr.
Vasu Singh, Advs. for R-4 and
R-5.

Mr. Abhishek Malhotra, Mr.
Kartikay Dutta, Mr. Talluri
Srikrishna and Mr. Raghav
Shukla Advs. for Intervenors -
Winzo Games Private Ltd.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

15.04.2024

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1. We had in our order of 01 April 2024 taken note of the



statement made by Mr. Amit Sibal, learned senior counsel appearing for the second respondent, and who had stated that the said respondent had discontinued and closed all games, features and marketplace services connected with the Striker Platform.

2. Viewed in that backdrop, we had expressed our prima facie opinion that the appeal, for all practical purposes, had been rendered infructuous.

3. Mr. Kaul, learned senior counsel who has appeared today in support of the FAO(OS) (COMM) 96/2023, however contends that although such a statement has been made by the second respondent, respondent no.1 had not made any submission on identical lines. Mr. Kaul also sought to underline the importance of some of the questions which have come to be decided by the impugned judgment and the far reaching ramifications that it may have on other like matters.

4. We are however of the opinion that since the question of grant or refusal of injunction, and which forms the core of the appeal before us itself no longer survives there would be no justification for us to consider the questions of law which are raised in a vacuum. The appeals are clearly rendered infructuous and would merit being disposed of in light of the change in circumstances.

5. We also bear in consideration that the judgment which was impugned before us was one which was made in the context of an application referable to Order XXXIX Rule 1 of the Code of Civil Procedure, 1908 and would, as is well settled, in any case neither operate as res judicata nor constitute a precedent.

6. All that we need observe is that all rights and contentions of respective parties including those who had sought intervention in these proceedings are kept open. We also preserve the right of the



appellants to seek revival of its challenge in case the second respondent were to relaunch the Striker Platform.

7. We also take on board the statement made by Mr. Sibal that in case the second respondent decides to relaunch the platform, it will accord a notice of at least two weeks to the appellants.

YASHWANT VARMA, J

DHARMESH SHARMA, J

APRIL 15, 2024

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