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

+ **CS(COMM) 160/2023 with I.A. 5506/2023**

NAMRATA CHANCHAL & ORS.Plaintiffs

Through: Mr. Karan Nagrath, Ms. Nupur Kumar, Mr. Ambuj Tiwari, Ms. Niharika Tanwar and Mr. Arjun Nagrath, Advocates

versus

YASHPAL SETHI & ORS.Defendants

Through: Ms. Priyanka and Md. Qamar Ali, Advocates for D-1, D-2 & D-3
Mr. Ujjawal Bhargava, Advocate for D-5

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

ORDER
27.03.2025

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1. The present suit has been filed for permanent injunction restraining the defendants no.1, 2 and 3 from infringing the copyright claimed by the plaintiffs in respect of the musical works of Late Sh. Narinder Chanchal.
2. In the written statement jointly filed on behalf of defendants no.1, 2 and 3, it has been stated that after the receipt of the legal notice sent by the plaintiffs, the aforesaid defendants immediately stopped the use of all social media/pages run in the name of Late Sh. Narinder Chanchal. The paragraphs 9 and 10 of the written statement are set out below:-

“(9) That immediately after receipt of the said legal notice, the defendants immediately stopped use of all the social media platform/pages, being run by them in the name of Late



Sh. Narinder Chanchal. *It is submitted that all expenses of creating, using, maintaining all such pages were borne by the Defendants. The said pages were absolutely free and since the inception of the same and till the same had been closed, not even a single penny was earned by any of the Defendants, through the said pages or any other visual or audio or print media, qua anything done by them in the name of or in relation to Late Sh. Narinder Chanchal. At no point of time, any subscription based model was created by the defendant on any Facebook page, in the name of Late Sh. Narinder Chanchal.*

(10) That in fact, in the said reply, the defendants mentioned as under:

“In any case, My clients have deleted the alleged contents on the channels/pages which are under their control after receipt of your legal notice as a matter of respect and with a sole intention to avoid any conflict with the family of Late Sh. Narinder Chanchal who was the idol of my clients.....”

“My clients further undertakes that henceforth they shall cease and desist from carrying out any activities including creation/operation/organisation of any accounts, social media handles in the name of Late Sh. Narinder/Narinder Chanchal”.

It is submitted that after receipt of such reply, it is highly vexatious, misconceived and illegal for the Plaintiffs to file the present suit, on the same grounds and allegations, regarding which, an undertaking has already been given, in response to the legal notice. It is submitted that the purpose of filing of this suit had already become infructuous before filing the suit. The suit has been filed with oblique and ulterior motives and malafide intentions of harassing and humiliating the Defendants.”

3. In view of the above, counsel for the plaintiffs submits that the present suit may be decreed in terms of prayer clause 35(a) of the plaint and the plaintiffs would not press for remaining reliefs claimed in the plaint.
4. Counsel for defendants no.1, 2 and 3, on instructions from defendant



no.1 who is present-in-person in Court, submits that defendants no.1, 2 and 3 are agreeable to the aforesaid.

5. Accordingly, a decree is passed in favour of the plaintiffs and against defendants no.1, 2 and 3 in terms of prayer clause 35(a) of the plaint.

6. Counsel for the plaintiffs does not press for remaining reliefs claimed in the plaint against defendants no.1, 2 and 3.

7. Counsel for the plaintiff does the plaintiff press for relief claimed against defendants no.5 and 6.

8. Let the decree sheet be drawn.

9. All pending application(s) stand disposed of.

AMIT BANSAL, J

MARCH 27, 2025

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