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* **IN THEHIGH COURTOF DELHIAT NEW DELHI**

\+ CS(COMM) 475/2024 & I.A. 30912/2024

CHRYSCAPITAL ADVISORS LLP .....Plaintiff

Through: Mr. Sagar Chandra, Ms. Shubhie Wahi, Ms. Sanya Kapoor & Ms. Mansha Bhatia, Advs

versus

MS RAJ LAL KUMARI & ORS. .....Defendants

Through: Ms. Swati Agarwal, Mr. Shashank Mishra, Mr. Vaarish Sawlani, Ms. Akshi Rastogi, Ms. Rithika Mathur & Ms. Anuipamaa Reddy Eleti, Advs. for D-14/WhatsApp

Mr. Syed Urfee Haider, Adv. For D-15/ Bharti Airtel Ltd. (through VC)

Mr. Piyush Beriwal (through VC) & Ms. Ruchita Srivastava, Ms. Neha, Advs. for D-16, 17 and 18

Mr. Mukul Singh, CGSC with Ms. Ira Singh & Mr. Aryan Dhaka, Advs. for UOI.

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 19.12.2025

1. The present suit has been filed seeking permanent injunction against infringement of trademarks, passing off and other ancillary reliefs against the Defendants.

2. Mr. Sagar Chandra, learned counsel for the Plaintiff has set out the case of the Plaintiffs as under:

2.1 Plaintiff is a firm providing financial research and investment related advisory services and is part of the ‘ChrysCapital’ group, which was established in the year 1999.

2.2 Plaintiff adopted the trademark/tradename “CHRYSCAPITAL” in the year 1999 and has been uninterruptedly using the same ever since as part of their corporate name/identity, domain names, etc. The Plaintiff has secured several registrations in India for the marks “CHRYS”, “CHRYSCAPITAL”/ “ChrysCapital” [‘Plaintiff’s trademarks’] and other CHRYSCAPITAL formative marks, details whereof are delineated in Paragraph No. 30 of the amended plaint.

2.3 Plaintiff has been involved in the Indian financial advisory space since the year 2016. Plaintiff is the owner of the domain names/websites “www.chryscapital.com” (in use since 14th November, 2001) and “www.chryscapitalllp.com” (in use since 7th June, 2016), which are accessible throughout the world, including in India.

2.4 Plaintiff has a widespread social media presence on platforms, such as Facebook and LinkedIn. Due to long and continuous use of its trademarks, the Plaintiff has garnered substantial goodwill and reputation in “CHRYSCAPITAL” trademarks, which are exclusively associated with the Plaintiff by members of the trade, industry and customers at large. This is evidenced by the list of awards and recognitions mentioned at paragraph 33 of the amended plaint.

Infringement activities by the Defendants

3. Defendant No. 1 to 13 [‘infringing Defendants’], are collectively engaged in contacting individuals via messages on WhatsApp claiming to be employees of the Plaintiff and collecting various sums of money and duping innocent customers under the promise of providing bumper returns. These infringing Defendants are using the Plaintiffs trade mark ‘CHRYSCAPITAL’ in respect of their nefarious activities and also operating a fraudulent trading and investment business through the website www.rn.chryscapital. com.

3.1 It is stated that the modus operandi adopted by such infringing Defendants is to use the names and photographs of the Plaintiff’s key managerial persons – Chief Investment Officer, i.e., Mr. Sanjay Kukreja[‘CIO’], Managing Partner, i.e., Mr. Kunal Shroff and Chief Trader, in order to create a false association with the Plaintiff.

3.2 It is stated that in April, 2024, one of the victims of the Defendants act was randomly added to WhatsApp group named “ChrysCapital”, without her permission. The said group was created by Defendant No. 3 for making misrepresentation that the CIO of the Plaintiff, Mr. Sanjay Kukreja, will summarize daily market information and trending techniques for the members of the group. Defendant No. 4 is one such admin of the group and is using the name and photograph of Mr. Kukreja for their WhatsApp account. Defendants No. 6 and 7 are operating a similar fraud on the WhatsApp group ‘Wealth Lecture’, [screenshot(s) provided at paragraph ‘38’ of the amended plaint] by misappropriating the name and photograph of the Plaintiff’s Managing Partner, Mr. Kunal Shroff, whereas, Defendant No. 1 and 2 are misappropriating the name of the Plaintiff’s Chief Trader to send fraudulent messages to customers. In order to perpetuate the fraud, Defendant Nos. 1 to

13 also operate a website 'www.m.chrys-capital.com' [registered recently on 15.03.2024]. These Defendants use a fake registration (Chrys Capital Registration Approval Form) form, which contains the Plaintiff's trademarks to enroll customers and induce them to make investments presuming that such investments are being made through Plaintiff. The fraudulent activities of the said Defendants are evidenced by screenshots from the aforementioned WhatsApp groups and messages, produced at paragraph '37' of the amended plaint.

3.3 Defendant Nos. 14, 15, 16, 17 and 18 ['proforma Defendants'] have been impleaded as proforma Defendants for the limited purpose of ensuring compliance with any orders of this Court. Defendant No. 19 is John Doe/Ashok Kumar.

3.4 It is stated that upon further investigation the Plaintiff received information from his representatives that Defendant No. 20 i.e., https://www.cc-securities.com/ ['impugned website'] was using the Plaintiff's trademarks on its website and in collusion, with the Defendant Nos. 1-13, was running a scam of fraudulently providing investment and trading services to the customers. Upon perusal of the impugned website, the Plaintiff found two mobile numbers which belonged to Defendant Nos. 21 and 22 and all the three Defendant Nos. 20 to 22's ['infringing Defendants'] modus operandi was same as Defendant No. 1 to 13. It was also found that these Defendants were not only using the trademarks of the Plaintiff but also used images, names, designations of all employees of the Plaintiff Company. Screenshots of the impugned website is provided at paragraph '10' of the amended plaint.

3.5 It is stated that upon perusal of the WHOIS of the impugned website, it was revealed that the Defendant No. 23/Gname.com Pte. Ltd., is the Domain Name Registrar of the impugned website and has been impleaded as a proforma party.

Submissions by the Plaintiff

4. Learned counsel for the Plaintiff states that the infringing Defendants[1] send messages to customers via WhatsApp as part of a scheme to deceive them into transferring substantial sums of money. These communications are crafted to create a false impression that the customers are engaging in financial transactions with the Plaintiff. This deceptive practice is designed to exploit the Plaintiff's reputable standing in the market, misleading customers into believing that their investments are safe and legitimate. The said Defendants also use fake documentation, such as registration forms bearing trademarks deceptively similar to Plaintiff's marks, such as and along with a fake seal of "Chryscapital Investment Advisors India Private Limited" and the fake signatures of Mr. Sanjay Kukreja, CIO.

4.1 He states that neither the impugned WhatsApp groups using the impugned trademark have been created by the Plaintiff or its authorized representative, nor have any of the aforementioned individuals been authorized by the Plaintiff to offer financial trading and investment related advisory.

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[1]Defendant nos. 1 to 13 and 20 to 22

4.2 He states that the Plaintiff has received various complaints from individuals who were being contacted on WhatsApp by such Defendants. In one such complaint received by the Plaintiff, the aggrieved consumer had informed that after investing significant sums of money, he received a sum disguised as 'profits' from Defendant No. 8/Uzeban Technologies (OPC) Private Limited, and Defendant No. 9/WebfinexTechfusion Private Limited. However, the amount of 'profits' was much less than the complainants originally invested amount, which was never returned. Thus, Defendants Nos. 8 and 9 are also associated with Defendants Nos. 10 to 13 to execute the fraudulent scheme detailed above.

4.3 He states that the Plaintiff has taken preventive measures in response to the fraudulent activities. They have lodged complaints under the Indian Penal Code, 1860 and the Information Technology Act, 2000.

4.4 He states that the aforementioned activities of Defendant Nos. 1 to 13 and 20 to 22 and the unauthorized use of the Plaintiff's trademarks is dishonest, illegal, and evidently aimed to misappropriate the Plaintiff's intellectual property to trade upon their goodwill and reputation and derive unjust benefits therefrom.

4.5 He states that Defendant no. 16/BSNL[2] has stated that the infringing number + 919456779110 of Defendant no. 6 used for fraudulent purposes has been allocated to someone else (Mr. Rehan) on 4.10.2025. He states that similarly, Defendant no. 16/BSNL has stated that the infringing number +919458114794 of Defendant no. 7 use for fraudulent purposes has since been ported to Vodafone on 31.10.2024. He states that no further fraudulent activity has been reported on these numbers and therefore, no directions are

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[2]In the compliance affidavit dated 14.12.2025 [under the index]

being prayed for. He states that the Plaintiff reserves liberty to initiate fresh action if any illegal activity on these numbers comes to its attention.

4.6 He states that registration of Defendant no. 20 [website] with Defendant no. 23 has expired on 18.05.2025 and therefore no directions are being sought for the same.

COURT FINDINGS AND ANALYSIS

5. This Court has heard the learned counsels for the parties and perused the record.

Suit Proceedings

6. It is a matter of record that the predecessor bench of this Court vide order dated 29.05.2024 had granted an ex-parte ad interim injunction against Defendant No. 1 to 13 and Defendant No. 14 to 18 [Proforma Defendants] were given certain directions to comply with.

7. Vide Order dated 29.07.2024 Defendant Nos. 20 to 23 in I.A. No. 34201/2024 were impleaded and ad-interim injunction order dated 29.05.2024 was extended. Defendant No. 23 was impleaded as a proforma Defendant and was directed to suspend the website of Defendant No. 20.

8. The interim injunction orders dated 29.05.2024 and 29.07.2024 were implemented by the proforma Defendants. None has entered appearance on behalf of Defendant Nos. 1 to 13 and 20 to 22 to seek vacation or modification of the interim injunction orders dated 29.05.2024 and 29.07.2024.

9. It is recorded in the order dated 14.10.2024 that for Defendant Nos. 1 to 7, since the Plaintiff only had the phone numbers and which were also blocked on the first hearing itself, the Plaintiff could not serve them any further notice. However, the said Defendants have not approached the

telecom companies or WhatsApp for making any enquiries regarding the blocking of the numbers and also not approached the Court.

10. Vide order dated 12.12.2024 the right to file written statement by the Defendant Nos. 9 to 18 were closed by the learned Joint Registrar. Defendant No. 19 is a John Doe.It was recorded in the Order dated 11.03.2025 that Defendant No. 20 is a website and there is no way to serve it and vide the same order the right to file written statements by the Defendant Nos. 21 to 23 was closed by the learned Joint Registrar. Vide order dated 01.05.2025 the right to file written statements of the Defendant no. 8 was also closed. In these facts, the infringing Defendants are all unrepresented in this matter.

11. Vide order dated 29.10.2025 the present suit for the reliefs of permanent injunction prayed in paragraph 65(a), (b) and (c) of the amended plaint was decreed in favour of the Plaintiff and against Defendant no. 9, 12 and 13.

12. In the aforesaid facts, learned counsel for the Plaintiff states that the suit may be decreed in terms of the prayer clause 65(a) to (c) of the amended plaint against the Defendant Nos. 8, 10, 11, 21 and 22. He states that to prevent further fraud, the mobile numbers of Defendant nos. 1 to 5 be blocked for a period of one (1) year from today by the Telecom Service Provider and WhatsApp. He states that since the mobile numbers of Defendant nos. 6 and 7 have already been reallocated or ported out by BSNL, no further relief is being prayed for. He states that since the registration of domain on which impugned website was hosted has already expired, no directions are being sought vis-à-vis Defendant nos. 20 and 23.

13. Defendant no. 16/BSNL has filed a compliance affidavit dated 14.12.2025 disclosing that the mobile number used by Defendant no. 6 has

been reallocated to a third party. It is stated that the mobile number used by Defendant no. 7 has been ported out to Vodafone and is not under its control. The BSI details of Defendant nos. 6 and7 have been placed on record and provided to the Plaintiff.

14. This Court has reviewed the pleadings and the documents. On a bare perusal the infringement activities conducted by the infringing Defendants[3], it is evident that these Defendants send messages to customers via WhatsApp as part of a scheme to deceive them into transferring substantial sums of money. They contacted the members of the general public by impersonating as the Plaintiff by using its trademark 'CHRYSCAPITAL' well as using fake documentation, such as registration forms bearing fake seal of "Chryscapital Investment Advisors India Private Limited" and the fake signatures of the CIO, which is clearly fraudulent and misleading.The infringing activities of these Defendants establishes their clear intention of showing a direct nexus or affiliation with the Plaintiff and that his services have been licensed or approved by the Plaintiff and has been endorsed by the Plaintiff, itself.

15. This order is being passed against Defendant nos. 1 to 8, 10, 11, 21 and 22. As noted above, the said Defendants have failed to take any requisite steps to contest the present suit.

16. Defendant nos. 8, 10, 11, 21 and 22 have failed to file their written statements despite having been afforded sufficient opportunities. The injunction order has been implemented and none of these Defendants have approached this Court for vacation or modification as noted above. Their conduct demonstrates a clear lack of intent to defend the present proceedings.

[3]Defendant nos. 1 to 13 and 20 to 22

17. At this stage, it would be apposite to refer to Order VIII Rule 10 of CPC. The said rule reads as under: -

> "10. Procedure when party fails to present written statement called for by Court.—Where any party from whom a written statement is required under rule 1 or rule 9 fails to present the same within the time permitted or fixed by the Court, as the case may be, the Court shall pronounce judgment against him, or make such order in relation to the suit as it thinks fit and on the pronouncement of such judgment a decree shall be drawn up."

18. It would be relevant to refer to the dicta of **Satya Infrastructure Ltd. & Ors. v. Satya Infra & Estates Pvt. Ltd.**[4] , wherein the Co-ordinate Bench of this Court held that in matters where the defendant is proceeded ex parte, the Court, upon its satisfaction, can pass a decree for permanent injunction on the basis of the pleadings filed on affidavit. The relevant part of the order reads as under: -

> "4. The next question which arises is whether this Court should consider the application for interim relief and direct the plaintiffs to lead ex parte evidence. The counsel for the plaintiff's states that the plaintiffs are willing to give up the reliefs of delivery, of rendition of accounts and of recovery of damages, if the suit for the relief of injunction alone were to be heard today.
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> 5. I am of the opinion that no purpose will be served in such cases by directing the plaintiffs to lead ex parte evidence in the form of affidavit by way of examination-in chief and which invariably is a repetition of the contents of the plaint. The plaint otherwise, as per the amended CPC, besides being verified, is also supported by affidavits of the plaintiffs. I fail to fathom any reason for according any additional sanctity to the affidavit by way of examination-in-chief than to the affidavit in support of the plaint or to any exhibit marks being put on the documents which have been filed by the plaintiffs and are already on record. I have therefore heard the counsel for the plaintiffs onmerits qua the relief of injunction."

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[4]2013 SCC Online Del 508

(Emphasis Supplied)

19. Given the fact that the amended plaint has been duly verified and is supported by the affidavit(s) of the Plaintiff as well the Statement of Truth and in view of the aforesaid findings, this Court is of the view that this suit does not merit trial. This Court deems it fit to opine that the present suit is capable of being decreed in terms of Order VIII rule 10 of Code of Civil Procedure.

20. In view thereof, since there is no contest, the Plaintiff is entitled to relief of a permanent injunction as claimed in the amended plaint against the infringing Defendants. Accordingly, a decree of permanent injunction is hereby passed in terms of the prayer clause 65(a) to (c) of the amended plaint against the Defendant Nos. 1 to 8, 10, 11, 21 and 22.

21. The remaining reliefs of damages and legal costs are disposed of as not pressed.

Directions qua the proforma Defendants

22. The suit qua remaining Defendants No. 14 to 18 and 23, which are the proforma parties, also stand disposed of with the following directions:

23. The Plaintiff while addressing its arguments on 29.10.2025 had sought a prayer for permanently blocking of the mobile number of infringing Defendant nos. 3 to 5, 21 and 22 issued by Defendant No. 15/Bharati Airtel Limited and a corresponding direction to Defendant No. 14/WhatsApp. However, after deliberations at the hearing, Plaintiff, Defendant Nos. 14 and 15 agreed that blocking the mobile number for further period for one (1) year from today would be sufficient to effectively bring under control the fraudulent activities of infringing Defendants; as it would act as a cooling period. The Plaintiff agreed that it does not have any proprietary claims on

these mobile numbers and permanent restraint was sought only to control the fraudulent activities. On the other hand, the Plaintiff agreed that the mobile number is a finite resource for the Telecom Service Provider and so long as the mobile number is not reallocated to the infringing Defendant, the relief of permanent injunction prayed for in the suit would be satisfied. Moreover, both Defendant No. 15/Airtel and Defendant no. 14/WhatsApp agreed that they have the requisite mechanism to ensure that these numbers are not activated for a further period of one (1) year. Defendant No. 15 has further stated that it has appropriate supervisory control to ensure that the mobile numbers are not reallocated to the same KYC holder i.e., the infringing Defendant.

23.1 Considering that Mobile numbers are a finite resource for the Telecom Service Provider (such as Airtel) and the Plaintiff does not have any proprietary rights in this number, this Court is of the considered opinion that the relief of permanent injunction prayed for in this suit against the infringing Defendant does not necessitate permanently blocking the mobile number for controlling its misuse against fraud. The mobile number was blocked vide interim injunction order dated 29.05.2024 and has not been permitted to use by the infringing Defendants since then; one and a half year has since lapsed. In the considered opinion of this Court, by extending the blocking period for a further period of one (1) year, it shall work as a sufficient cooling period and act as a disincentive to the infringing Defendants to use this mobile number. Further, the direction to the Telecom Service Providers to not issue/allot this mobile number to the infringing Defendant on the same KYC details will also act as a sufficient safeguard.

23.2 Similarly, Defendant No. 14/WhatsApp LLC is also directed to block the WhatsApp account for the period of one (1) year from the date of this order. This mechanism is meant to ensure that should the underlying phone number get reallocated to any other user by the telecom service provider in accordance with the directions of the Court, such user is not permanently precluded from registering a WhatsApp account.

24. Therefore, Defendant No. 14/WhatsApp LLC is directed to block the WhatsApp accounts of the infringing Defendant No. 1-5 and 21-22 mentioned at **ANNEXURE -A**, attached along with this order, for a period of 1 year from the date of this Order.

25. Further, Defendant No. 15/Bharati Air Limited is directed to deactivate/block the numbers of Defendant No. 3-5 and 21-22 mentioned at **ANNEXURE-B**, attached along with this order, for a period of 1 year from the date of this Order and not allot the said number(s) to the KYC holders i.e., the infringing Defendants even when the number(s) is issued/allotted in the future.

26. Needless to state that if the Plaintiff learns of any future illegal activities on the same mobile numbers, it will be at liberty to file appropriate proceedings in accordance with law.

27. The Plaintiff has not pressed for any further relief against Defendant nos. 16, 17, 18 and 23. Accordingly, the suit is disposed of qua the said Defendants without any further directions.

28. With the aforesaid directions, this suit, along with pending applications (if any), stands disposed of.

29. The Registry is directed to draw up a decree in terms of this order.

30. All future dates stand cancelled.

31. The digitally signed copy of this order, duly uploaded on the officialwebsite of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated asa certified copy of the order for the purpose of ensuring compliance. Nophysical copy of the order shall be insisted upon by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 19, 2025/IB

ANNEXURE – A

Defendant No.	Defendant Name and Phone Number
Defendant No. 1	**Ms. Raj Lal Kumari** +1 (970) 629-9515
Defendant No. 2	**Ms. Manju Nita** +1 (615) 477-3925
Defendant No. 3	**Creator of WhatsApp Group titled 'ChrysCapital'** +91 7261096893
Defendant No. 4	**Ms. Syama Sharma, Admin of WhatsApp Group titled 'ChrysCapital'** +91 8826553796
Defendant No. 5	**Milan Basagara also known as Vesna, Admin of WhatsApp Group titled 'ChrysCapital'** +91 7482066883
Defendant No. 21	**Mr. Senthil Alagari,** +917338756595
Defendant No. 22	+918093182291

ANNEXURE -B

Defendant No.	Defendant Name and Phone Number
Defendant No. 3	**Creator of WhatsApp Group titled 'ChrysCapital'** +91 7261096893
Defendant No. 4	**Ms. Syama Sharma, Admin of WhatsApp Group titled 'ChrysCapital'** +91 8826553796
Defendant No. 5	**Milan Basagara also known as Vesna, Admin of WhatsApp Group titled 'ChrysCapital'** +91 7482066883
Defendant No. 21	**Mr. Senthil Alagari,** +917338756595
Defendant No. 22	+918093182291