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

+ **CS(COMM) 700/2022**

STAR INDIA PVT LTD & ANR.

.....Plaintiffs

Through: Mr. Angad Singh Makkar, Mr. Vivek
Kumar, Advocates

versus

SERIALGHAR.ME & ORS.

.....Defendants

Through: Mr. Piyush Beriwal, Advocate for D-
44 & D-55 (Through VC)

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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06.08.2025

CS(COMM) 700/2022 and I.A. 16482/2022 (Under Order XXXIX Rule 1 and 2 CPC)

1. The plaintiffs have filed the present suit seeking an injunction to restrain the illegal and unauthorized dissemination and broadcasting of the plaintiffs' original content/works in the 'general entertainment' category, which fall within the definition of 'cinematograph films under Section 2(f) of the Copyright Act, 1957 [‘the Copyrights Act’] along with other ancillary reliefs.

Factual Matrix

2. The relevant facts, as stated in the pleadings are as under: -

2.1. The plaintiff no. 1 herein is a leading entertainment and media company in India engaged, inter-alia, in the production of popular content broadcast on its STAR channels. The plaintiff no. 1, along with its affiliates,



is the owner of an extensive portfolio of more than seventy (70) channels in over eight (8) languages. The STAR Channels and the content aired therein occupy a commanding position and have acquired tremendous goodwill and reputation in the entertainment industry and amongst the general public. By virtue of the necessary uplink and downlink permissions issued by the Ministry of Information and Broadcasting, Government of India [in short, 'MIB'], plaintiff no. 1 has the sole and exclusive right to broadcast and distribute STAR Channels in India.

2.2. Plaintiff no. 2 – Novi Digital Entertainment Pvt. Ltd., which is an affiliate company of plaintiff no. 1; owns and operates the online video streaming platform/website 'www.hotstar.com' and the mobile application 'Disney+ Hotstar'. On the aforesaid platforms, plaintiff no. 2 streams various events in respect of which plaintiff no. 1 has the exclusive digital rights (Internet and Mobile).

2.3. The plaintiffs are the producers of various TV shows, films, and/or web series, which are communicated through the STAR Channels and/or Disney+Hotstar, and they hold the exclusive rights to publicly exhibit and communicate the said content through any medium or mode, including but not limited to the STAR Channels or 'Disney+ Hotstar'.

2.4. The present suit is concerned with broadcasting rights of the content on 'Disney+ Hotstar' and the STAR Channels produced by the plaintiffs. The plaintiffs are the producers of various TV Shows, films and/or web-series which are communicated on STAR Channels and/or 'Disney+ Hotstar' and have the exclusive distribution rights to publicly exhibit and communicate the said content through any medium or mode including on the STAR Channels or 'Disney+Hotstar'. They are protected as 'cinematograph



films’ under Section 2(f) read with Section 13 of the Act.

2.5. It is the case of the plaintiffs that they are the producers of the cinematograph films and as such have exclusive rights enumerated under Section 14(d) of the Copyrights Act, including *inter-alia* to publicly exhibit and communicate the said content/works through any media. It is stated that by virtue of Section 37 of the Copyrights Act, the exclusive right to broadcast, re-broadcast, transmit and communicate to the public the STAR Channels and the content broadcast therein vests exclusively with plaintiff no. 1.

2.6. It is averred that since the plaintiffs also have exclusive rights to broadcast, telecast and/or communicate to the public, its original shows/ original content and the STAR Channels on the digital platform, Disney+ Hotstar, owned by plaintiff no. 2; no other entity can, without authorisation from the plaintiffs, upload, stream, make available for download, broadcast, rebroadcast, retransmit and/or communicate to the public, the plaintiffs' works through the STAR Channels and Disney+ Hotstar, in any manner whatsoever, (live, delayed, repeat etc.) through any transmission platform including the internet for viewing on various devices such as computers, laptops, mobile phones, tablet computers, etc.

2.7. Defendant nos. 1 to 27 and defendant nos. 47 to 1023¹ [hereinafter collectively referred to as ‘rogue/ impugned websites’] are third-party websites that are engaged in the business of making available to the public third-party content and information, through the medium of the internet and mobile transmission.

2.8. Defendant nos. 28 to 34 are Domain Name Registrars [‘DNRs’] of the



domain names where the said rogue websites are being hosted. The details of the defendant nos. 28 to 34 are provided at paragraph no. 38 and 59 of the plaint. The plaintiffs have arrayed the said registrars to ensure the effective implementation of any relief that this Court may be inclined to grant in favour of the plaintiffs, including suspension of the domain name/ account of such rogue defendant websites and for disclosure of contact and account details of the registrants of the rogue defendant websites.

2.9. Defendant nos. 35 to 43 are various internet service providers [‘ISPs’]. The plaintiffs have arrayed said ISPs to ensure the effective implementation of any relief that this Court may be inclined to grant in favour of the plaintiffs for disabling access to the defendant’s websites.

2.10. Defendants no. 44 i.e., Department of Telecommunications [‘DoT’] and defendant no. 45 i.e., Ministry of Electronics and Information Technology [‘MeitY’] have been impleaded to assist in enforcing and ensuring compliance with any orders of injunction that this Court may be inclined to grant in favour of the plaintiffs to protect its rights within the territory of India.

2.11. Defendants no. 46 is ‘John Doe’ / ‘Ashok Kumar’.

Submissions on behalf of the plaintiffs

3. Learned counsel for the plaintiffs submits that defendant nos.1 to 27 and defendant nos. 47 to 1023 are engaged in displaying pirated content in order to obtain certain financial benefits. These websites primarily and substantially engage in, *inter alia*, communicating to the public, hosting, streaming and/or making available to the public plaintiffs’ works, as identified in the plaint, without authorization, and/or facilitating the same.

¹ Impleaded vide order dated 24.02.2024 passed by the learned JR (J).



3.1. He states that the said defendants are vehicles of infringement whose whole business model is designed to provide members of the public with access to copyright content without authorization.

3.2. He states that said websites' *mala fides* are evident from the vast volume of third-party content available on its websites, and the systematic, organised and intentional nature of the infringement, and also the regularity and consistency with which content is updated/ uploaded on the websites, as is evident from the documents filed along with the plaint.

3.3. He further submits that the evidence available and filed regarding the conduct of the defendant websites clearly establish, as per the plaintiffs, that they are "rogue" in nature in terms of the judgment of this Court in **UTV Software Communication Ltd. & Anr. v. 1337x.to and Ors.**² and thus, they deserved to be blocked in their entirety.

3.4. He states that in such circumstances; in order to protect their exclusive broadcast rights, the plaintiffs have filed the present suit seeking relief of permanent injunction restraining the rogue websites from illegal and unauthorized dissemination and broadcast of plaintiffs' exclusive rights, copyrights.

3.5. He states that this Court has already granted ex-parte ad-interim injunction in favour of the plaintiffs and against the defendants in the present matter. He prays that since the contesting defendants³ have not appeared till date despite being served with summons and in view of the fact that said defendants' right to file written statement has already been closed by this Court, this is a fit case to be decreed in terms of Order VIII Rule 10

² 2019 SCC Online Del 8002

³ Defendant nos. 1 to 27 and defendant nos. 47 to 1023



of the Code of Civil Procedure, 1908 ['CPC'].

3.6. He states that defendant no. 33 was deleted vide order dated 17.05.2023 and an amended memo of parties has been filed today vide diary no. E-5538638/2025.

Findings and Analysis

4. The Court has heard the counsel for the plaintiffs and perused the record of the case.

5. The predecessor bench of this Court vide Order dated 11.10.2022 issued summons in the present suit and also granted an ex-parte ad interim injunction in favour of the plaintiffs, and passed the following directions: -

- a. Defendant nos. 1 to 27 were restrained from infringing the plaintiffs' exclusive rights and copyrights, from in any manner communicating, hosting, streaming, and/or making available for viewing and downloading, without authorization, on their websites or other platforms, through the internet in any manner whatsoever, the plaintiffs' works and content related thereto, so as to infringe the plaintiffs' exclusive rights, copyrights and broadcast reproduction rights.
- b. Defendant nos. 44 and 45 were directed to issue necessary directions to all ISPs for blocking/ removing access to the websites of defendant nos. 1 to 27.
- c. Defendant nos. 28 to 34 were directed to block the domain names of the rogue websites and defendants no. 35 to 43 were directed to block the websites of defendant nos. 1 to 27.
- d. Pertinently, this Court also permitted the plaintiffs to file affidavits of additional rogue websites, which are broadcasting and/or telecasting,



without authorisation, the cinematograph films identified in the present suit, subsequent to which, these additional websites would stand blocked with immediate effect by the ISPs and DoT/ MeitY.

6. As recorded in the order dated 15.12.2022 passed by the learned Joint Registrar (J), defendant nos. 43, 44 and 45 have already complied with the directions of this Court and their respective compliance are already on record.

7. The defendant no. 33 in its written statement has stated that the said defendant has complied with the interim Order dated 11.10.2022 passed in these proceedings and prayed for its deletion from the array of parties. Accordingly, defendant no. 33 was deleted from the array of parties vide order dated 17.05.2023 passed by the learned Joint Registrar (J).

8. Upon a perusal of the Order dated 14.08.2023 passed by the learned Joint Registrar (J), it is pertinent to note that rights of defendant nos. 1 to 32, 34 to 41, 43 to file their written statement(s) have already been closed; defendant no. 33 stands deleted; defendant nos. 42, 44 and 45 have already filed their compliance affidavits.

9. Subsequently, during the proceedings, the plaintiffs identified additional rogue websites, i.e., defendants no. 47 to 1023, indulging in similar / identical illegal and infringing activities as the original defendants, and filed appropriate affidavits, in terms of the liberty granted vide interim order dated 11.10.2022 seeking take down/ blocking orders against such websites. The said websites were blocked by defendant nos. 44 and 45. Thereafter, the plaintiffs filed an application being I.A. 4019/2024 under Order I Rule 10 CPC, seeking impleadment of the proposed defendants no. 47 to 1023.



10. Accordingly, the learned Joint Registrar (J) vide Order dated 20.02.2024, allowed the aforesaid I.A. 4019/2024 and the proposed defendants nos. 47 to 1023 were impleaded as defendants in the present suit. The averments in the plaint vis-à-vis defendant nos. 1 to 27 thus apply with equal force to defendant nos. 47 to 1023.

11. By Order dated 07.11.2024, this Court directed the plaintiffs to serve the defendant nos. 47 to 1023 through email only. By Order dated 21.03.2025, the learned Joint Registrar (J) recorded that defendant nos. 47 to 1023 have been duly served on 09.12.2024.

Furthermore, rights of defendant nos. 47 to 1023 to file their written statement(s) have also been closed vide Order dated 02.07.2025 passed by the learned Joint Registrar (J).

12. In the present matter, defendant nos. 1 to 27 and defendants nos. 47 to 1023 are the contesting defendants. The said defendants have been served or are aware of the orders passed by this Court. In view of the aforesaid, it is clear that all the averments made in the plaint and documents filed with the plaint are deemed to admitted.

13. 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.”

14. 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 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 plaintiffs 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.

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 on merits qua the relief of injunction.”

(Emphasis Supplied)

15. The averments made in the plaint clearly evidence that defendant nos. 1 to 27 and defendant nos. 47 to 1023 are actively and deliberately distributing and making available the plaintiff’s content across their unauthorized websites. It is further evident that the intent of the said defendants is to exploit the plaintiff’s exclusive material, thereby infringing upon the plaintiff’s copyrights and broadcasting rights.

16. Since the said defendants have failed to take any requisite steps to contest the present suit, despite having suffered an ad interim injunction order, it is evident that they have no defence to put forth on merits. The rogue websites of defendant nos. 1 to 27 were taken down in pursuance of the injunction order dated 11.10.2022 and the rogue websites of defendant

⁴ 2013 SCC OnLine Del 508



nos. 47 to 1073 (upon impleadment) were also taken down in pursuance of the said injunction. None of these defendants have approached the Court for modification or vacation of the said injunction; evidencing their acceptance of the said injunction.

17. The act(s) and conduct of defendant nos. 1 to 27 and defendant nos. 47 to 1023 have caused irreparable harm to the plaintiffs, as these rogue/impugned websites by violating and infringing the exclusive rights of the plaintiffs in various TV shows, films and/or web series are also causing revenue losses to the plaintiffs.

18. Given the fact that the plaint has been duly verified and is supported by the affidavit(s) of the plaintiffs 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 CPC.

19. In view of the aforesaid, this Court is of the view that the plaintiffs are entitled to reliefs of permanent injunction as claimed in the plaint. Accordingly, a decree of permanent injunction is passed in favour of the plaintiffs and against defendant nos. 1 to 27 and defendant nos. 47 to 1023 in terms of prayer clause 83(i) of the plaint. The interim order dated 11.10.2022 shall merge into the decree. The reference to defendants in prayer clause 83(i) of the plaint is read to include defendant nos. 1 to 27 and defendant nos. 47 to 1023.

20. Learned counsel for the plaintiffs submits that the remaining reliefs sought in the plaint stand satisfied and hence, does not press for relief of damages. The said statement is taken on record and the prayer for damages is disposed of as not pressed.



21. Let the decree sheet be drawn up.
22. With the aforesaid directions, this suit along with pending applications (if any) stands disposed of.
23. All future dates stand cancelled.

MANMEET PRITAM SINGH ARORA, J

AUGUST 6, 2025/rhc/MG