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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 210/2024 & CM APPL. 53849-51/2024,**
53853/2024
POCKET FM PRIVATE LIMITEDAppellant
Through: Mr.Pravin Anand, Adv.
versus

NOVI DIGITAL ENTERTAINMENT PRIVATE LIMITED
.....Respondent
Through: Mr.Sidharth Chopra,
Ms.Snehima Jouhari, Ms.Disha
Sharma, Mr.Vivek Kumar,
Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **17.01.2025**

1. This appeal has been filed by the appellant challenging the Judgment and Order dated 13.06.2024 passed by the learned Single Judge of this Court in I.A. 31731/2024 in CS(COMM) 524/2024, titled *Pocket FM Private Limited v. Novi Digital Entertainment Private Limited & Anr.*, denying an *ad interim* injunction to the appellant.
2. The appellant by the above application had prayed for an *ad interim* temporary injunction restraining the respondent from releasing their video adaptations in the television series “Yakshini” on their website or any other audio or video adaptation, which the appellant claimed to be similar to the appellant’s work “Yakshini”.
3. Post the filing of the present appeal, as the *interim* injunction has not been granted in favour of the appellant, we are informed that



the respondent had released six episodes on television (Season-1). The appellant had, thereafter, filed another application under Order XXXIX Rules 1 & 2 of the Code of Civil Procedure, 1908, which is stated to be listed before the learned Single Judge, along with the other applications, today itself.

4. The learned counsels for the parties agree that the fresh application that has been filed by the appellant under Order XXXIX Rules 1 & 2 of the CPC may be considered by the learned Single Judge on its own merits and without being in any manner influenced by any observation made in the Impugned Judgment and Order dated 13.06.2024.

5. In view of the above, the present appeal is disposed of by clarifying and observing that the learned Single Judge shall decide the fresh application filed by the appellant under Order XXXIX Rules 1 and 2 of the CPC, remaining uninfluenced by any observation made in the Impugned Judgment and Order dated 13.06.2024 and on its own merits. The contentions of all the parties shall remain open to be adjudicated in such application.

6. The present appeal and the pending applications are disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 17, 2025/Arya

Click here to check corrigendum, if any