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

+ **CS(COMM) 13/2024**

WINZO GAMES PRIVATE LIMITEDPlaintiff

Through: **Ms. Raghavi Shukla, Adv.**

versus

HTTPS//WWW.WINZOGOLD.ORG/ AND ORS.....Defendants

Through: **Ms. Aishwarya Kane, Mr. Yash Raj
& Mr. Shivansh Tiwari, Advs. for D-
39**

**Ms. Nidhi Raman, CGSC with Mr.
Mr. Om Ram & Mr. Arnav Mittal
Advs. for D- 72 & 73.**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 05.12.2025

1. The present suit has been filed seeking permanent, mandatory and dynamic injunction restraining the defendants from infringement, passing off, dilution, tarnishment of Plaintiff's trademarks and other ancillary reliefs.

Factual Matrix

2. The case set up in the plaint is as under:

3. The Plaintiff is a digital gaming and technology company established in 2016, which operates as an online skill-based digital gaming platform under its registered trade marks and brand name WinZO/WINZO ['Plaintiff's mark'].

4. The Plaintiff introduced apps under the said marks in February 2017, and currently offers more than 100 games in 6 formats to users in more than 12 regional languages.

5. It is stated to be a pioneer in the online gaming industry, providing a



platform where users can play games and win prizes. Currently, it has more than 175 million users with a strong foothold across India and is the biggest social gaming app in India.

6. Details of the Plaintiff's trademark registrations have been set out in paragraph '9' of the [plaint](#). Details of the Plaintiff's registered domain names have been set out in paragraph '18' of the [plaint](#).

7. Owing to the extensive use and goodwill, the Plaintiff's annual revenue for the financial year 2022-2023 was Rs.673.93 crores.

About the Defendants

8. Defendant Nos. 1 to 10 are websites engaged in the business of broadcasting/relaying/communicating unlicensed and pirated content, using the Plaintiff's marks as a part of their domain name.

9. Defendant Nos. 11 to 23 operate online domains that offer mobile applications with the .apk extension. The users are directed to these applications from the Defendants' websites, which thereafter initiates a download on the user's device; this allows users to access the Defendants' services through the application-based user interface. These Defendants are using deceptively similar/identical marks to those of the Plaintiff's marks for their apps and causing confusion in the market.

10. Defendant Nos. 24 to 38 are social media pages/handles on various social media platforms, including Instagram and Facebook. The Defendants are exploiting the Plaintiff's marks on social media to lure users and redirect them to other websites using the Plaintiff's mark.

11. Defendant Nos. 1 to 38 will hereafter be referred to as the 'infringing Defendants'.

12. Defendant Nos. 39 to 50 are the Domain Name Registrars ['DNRs'], who are the registrars of the domains for the infringing websites and .apk



sites.

13. Defendant Nos. 51 to 71 are Internet Service Providers ['ISPs'] which provide access to users of these websites through the medium of the internet.

14. Defendant Nos. 72 and 73 are Union of India represented through the Ministry of Electronics and Information Technology ['MeitY'] and Department of Telecommunications ['DoT'].

15. Defendant No. 74 has been arrayed as unknown person/John Doe.

Submissions on behalf of the Parties

16. Learned counsel for the Plaintiff states that the last amended memo of parties on record is dated 06.09.2024.

17. She states that infringing Defendants are Defendant Nos.1 to 38 and Defendant Nos. 39 to 73 are proforma defendants who were impleaded to ensure due compliance with the directions issued by this Court.

18. She states that the injunction order passed in these proceedings is dated 08.01.2024, and it has been duly implemented by the proforma Defendants.

19. She states that after the passing of the order dated 08.01.2024, no further infringing websites have been identified by the Plaintiff.

20. She states that Defendant Nos. 1 to 38 have been duly served, as has been recorded by the learned Joint Registrar in its order dated 28.02.2025; however, none of these infringing Defendants have approached the Court for modification or variation of this order.

21. She states similarly, none of the proforma Defendants have approached the Court, apprising the Court if any of the infringing Defendants have approached them for modification or variation of the order.

22. She states that the Plaintiff would be satisfied if the suit can be disposed of vis-à-vis Defendant Nos.1 to 38 in terms of the injunction order



dated 08.01.2024. No other reliefs are pressed.

23. Learned counsel appearing on behalf of Defendant No. 39 states that Defendant No. 39, in compliance with the order dated 08.01.2024, has locked and suspended the domain names of the infringing Defendants enlisted in paragraph no. '6' of the order.

24. She states that in case the final order is being passed, the directions at paragraph '13(b)' and paragraph '14' of the injunction order, which is applicable to unidentified Defendants/Defendant No. 74, may not be made final as it would be difficult to monitor these directions after the suit stands disposed of.

25. She further states that with respect to the final directions, it may be observed that the infringing domains already identified in paragraph '6' of the injunction order remain locked and suspended until their expiry.

26. Learned counsel appearing on behalf of Defendant Nos. 72 and 73 states that the said Defendants have also complied with the blocking orders.

Court's Findings

27. This Court has heard the learned counsel for the parties and perused the record.

28. The predecessor bench of this Court vide order dated 08.01.2024 had issued summons and granted an ex-parte ad interim injunction in favour of the Plaintiff, and restrained the infringing Defendant Nos. 1 to 38 from using in any manner the Plaintiff's marks in respect to their domain names/social media pages/URLs/apps or infringing/passing off/misappropriating the Plaintiff's marks in any manner whatsoever.

29. The Joint Registrar (J) vide order dated 27.05.2025 has recorded that despite service, no written statement has been filed on behalf of Defendant Nos. 1 to 38, and eventually their right to file written statement was closed.



30. None appears for the Defendant Nos. 1 to 38, even today.
31. 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.”

32. It would also be relevant to refer to the dicta of a Coordinate Bench of this Court in **Satya Infrastructure Ltd. & Ors. v. Satya Infra & Estates Pvt. Ltd.**¹, which 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 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]

33. The averments made in the plaint and the evidence on record indicate that the Defendant Nos. 1 to 38 are engaging in acts infringement, passing off, and misappropriation of the Plaintiff’s registered trademarks WinZO/WINZO. Defendant Nos. 1 to 38 actions seem calculated to mislead

¹ 2013 SCC OnLine Del 508



customers into believing that they are associated with the Plaintiff, thereby unlawfully encroaching upon the goodwill and proprietary rights that the Plaintiff has built through years of business and marketing efforts.

34. Since the infringing Defendants have failed to take any requisite steps to contest the present suit despite having been afforded sufficient opportunities and being bound by the interim injunction order as well as locking and suspending of their domain names, their conduct demonstrates a clear lack of intent to defend the present proceedings. It is evident that they have no defence to put forth on merits. None of these infringing Defendants has approached the Court for modification or vacation of the said injunction, evidencing their acceptance of the said injunction. In view of the aforesaid, all the averments made in the plaint and documents filed with the plaint are deemed to be admitted.

35. The acts and conduct of Defendant Nos. 1 to 38 are bound to cause irreparable harm to the Plaintiff, as these rogue websites and applications, by violating and infringing the exclusive rights of the Plaintiff, would cause revenue losses to the Plaintiff.

36. Given the fact that the plaint has been duly verified and is supported by the affidavit(s) of the Plaintiff as well as the Statement of Truth, and in view of the aforesaid findings, this Court is of the view that this suit for the relief of permanent injunction 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.

37. In view of the aforesaid submissions made by the parties, taking on record the compliance of Defendant Nos. 39 to 73, the suit is disposed of vis-à-vis infringing Defendant Nos. 1 to 38 in terms of the injunction order



dated 08.01.2024, which is made final. The directions at paragraph 14 of the order dated 08.01.2024 vis-à-vis John Doe entities and paragraph 13(b) vis-à-vis unidentified domain names is however suspended henceforth with the passing of this order.

38. The corresponding DNRs enlisted at Defendant Nos.39 to 73 will ensure that the infringing domain names enlisted at paragraph '6' of the order dated 08.01.2024 remain locked and suspended until their expiry.

39. No other reliefs are pressed for by the Plaintiff.

40. Accordingly, the Registry is directed to draw up a decree sheet in terms of this order.

41. With the aforesaid directions, the suit stands disposed of along with pending applications, if any, stand disposed of.

42. All future dates stand cancelled.

43. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of the order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 5, 2025/gm/aa