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

+ **CS(COMM) 471/2019, I.As. 11856-11859/2019**

STAR INDIA PVT. LTD.

..... Plaintiff

Through: **Mr. Sidharth Chopra, Mr. Yatinder
Garg and Mr. Vivek Ayyagari, Advs.**

versus

MOVIEMAD.BIZ & ORS.

..... Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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29.08.2019

I.A. 11857/2019 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

I.A. 11859/2019 (allow the plaintiff to file evidence in pen drive)

The evidence filed on a pen drive is taken on record, subject to being proved in accordance with law.

Application stands disposed of.

I.A. 11858/2019 (under section 80 CPC read with section 151 CPC)

Exemption allowed in view of the urgency.

Application stands disposed of.

CS (COMM) 471/2019

1. Let the plaint be registered as a suit, without the actual addresses of the Defendants and with only email addresses.



2. Issue summons to the Defendants through email, upon filing of Process Fee.
3. The summons to the Defendant shall indicate that a written statement to the plaint shall be positively filed within 30 days from date of receipt of summons. Along with the written statement, the Defendant shall also file an affidavit of admission/denial of the documents of the Plaintiff, without which the written statement shall not be taken on record.
4. Liberty is given to the Plaintiff to file a replication within 15 days of the receipt of the written statement. Along with the replication, if any, filed by the Plaintiff, an affidavit of admission/denial of documents of the Defendant, be filed by the Plaintiff, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines prescribed under the Delhi High Court (Original Side) Rules, 2018.
5. List before the Joint Registrar for marking of exhibits on 30th September, 2019. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.
6. List before Court on 30th October, 2019.
7. Let a copy of this order, along with the entire paperbook be served on the Defendants with the summons through email.

I.A. 11856/2019 (u/O XXXIX Rules 1 & 2 CPC)

8. The case of the Plaintiff - Star India Pvt. Ltd, through its division Fox Star Studios, is that it is a leading film production and distribution company in India which has produced and acquired rights to various films which are detailed in the plaint. The present suit relates to the cinematograph film 'Chhichhore' which is scheduled to release on 6th September, 2019. The



claim of the Plaintiff is that there are a large number of `rogue websites' which may broadcast, stream or telecast the Plaintiff's film by unauthorized broadcasting of illegal recordings of the same. It is thus prayed that in order to secure the capital and investment that has gone into the making of the film, the websites which are likely to stream the Plaintiff's cinematograph film may be enjoined from doing so and the Internet Service Providers (*hereinafter, 'ISP's'*) concerned may be directed to block access to these rogue websites.

9. It is submitted by Mr. Sidharth Chopra, ld. counsel appearing for the Plaintiff that the film is a co-production of the Plaintiff and one Mr. Sajid Nadiadwala which is arrayed as Defendant No. 47. He relies upon the letter dated 20th August, 2019 by which the said Defendant No. 47 has permitted the Plaintiff to take action against any anti-piracy measures to protect the rights in the film '*Chhichhore*'.

10. The apprehension expressed by the Plaintiff is justified considering the fact that piracy on the internet has become quite rampant and therefore, if adequate orders are not passed to protect the rights of the Plaintiff, the Plaintiff would suffer enormous losses. Accordingly, it is directed that there shall be an injunction restraining Defendant Nos. 1 to 46 from in any manner unauthorizedly streaming, communicating, downloading or distributing the cinematograph film '*Chhichhore*', including any extracts/clippings thereof. Defendant No. 48 is directed to suspend the domain names of Defendant Nos. 1 to 3. In so far as the ISPs identified as Defendant Nos. 49 to 57 are concerned, the said ISPs shall ensure that access to the websites of Defendant Nos. 1 to 46 are blocked. Defendant Nos. 58 and 59, i.e. the Department of Telecommunications and the Ministry



of Electronics and Information Technology are also directed to issue, as expeditiously as possible, a notification calling upon internet and telecom service providers to block access to the rogue websites and any other website(s) which the Plaintiff notifies as illegally transmitting or broadcasting the cinematograph film ‘*Chhichhore*’ in any manner.

11. Compliance of Order XXXIX, Rule 3 be done within one week through e-mail.

12. Order *Dasti*.

V. KAMESWAR RAO, J

AUGUST 29, 2019/jg