



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

% Judgment reserved on: 10.03.2026
Judgment delivered on: 16.03.2026

CS(COMM) 209/2023

MAHINDRA AND MAHINDRA LIMITED & ANRPlaintiffs

versus

DIKSHA SHARMA PROPRIETOR OF
MAHINDRA PACKERS MOVERS & ORS.Defendants

Advocates who appeared in this case:

For the Plaintiffs: Mr. Vishal Nagpal, Ms. Suhrita Majumdar, Mr. Debjyoti Sarkar and Mr. Bal Krishan Singh, Advocates.

For the Defendants: Ms. Shivani Choudhary, Advocate for D-5.
Mr. Aditya Mathur and Ms. Anuparna Chatterjee, Advocates for D-6.
Mr. Satya Ranjan Swain, CGSC with Mr. Kautilya Birat, Advocate for D-9/DOT.

J U D G M E N T

TUSHAR RAO GEDELA, J.

1. The present suit has been instituted by the plaintiffs seeking the following prayers:-

“a) A decree of permanent injunction restraining the Defendants, their partners, proprietors, servants, agents, distributors, marketers, suppliers and all others in active concert or participation with them from operating its business, selling, offering for sale, advertising, providing its services directly or indirectly, under the trade mark/trading name/ domain name using the Plaintiffs’ trade mark MAHINDRA and/or any other mark / name deceptively similar to the Plaintiffs’ registered trade marks MAHINDRA resulting in the infringement of the Plaintiffs’ rights in the well-known registered trade marks;



b) A decree of permanent injunction restraining the Defendants, their partners, proprietors, servants, agents, distributors, marketers, suppliers and all others in active concert or participation with them from operating its business, selling, offering for sale, advertising, providing its services directly or indirectly, under the trade mark/trading name/ domain name using the Plaintiffs' trade mark MAHINDRA and/or any other mark / name deceptively similar to the Plaintiffs' registered trade marks MAHINDRA so as to suggest association between the Defendants and Plaintiffs resulting in the passing off of the Plaintiffs' rights in the well-known trade mark MAHINDRA;

c) A decree of mandatory injunction against Defendant No. 5, 7 & 8 to block/suspend the Infringing domain names;

i. www.mahindrapackers.com

ii. www.mahindrapackers.in

iii. www.mahindrapackersmovers.com

iv. www.mahindrapackersandmovers.com

v. www.mahindrapackersandmovers.in

vi. Any other domain name which contains Plaintiff's registered trade mark MAHINDRA as may be included as per leave and directions of the present Hon'ble Court.

d) A decree of mandatory injunction against the Defendant No.9 to:

i. Issue directions to DNR's/Internet Service Licensee's for blocking domain names as listed in prayer (c), and

ii. Issue directions to DNR's/Internet Service Licensee's to intimate Plaintiffs wherever a domain name which contains Plaintiffs "MAHINDRA" trademark is registered;

e) A decree of mandatory injunction against the Defendant No.6 to delist any listings pertaining to the infringing domain names as listed in prayer (c);

f) A sum of ₹2,00,02,000/- as a decree of damages as valued for the purposes of this suit, or such amount as may be ascertained in the present suit to be paid by the Defendants, jointly or severally, on account of violation of the Plaintiffs' rights;

g) An order to the Defendants, its directors, group company, associates, assignee in business, licensees, franchises, dealers, proprietors, affiliates, distributors, agents etc. for rendition of accounts of the business generated, transactions carried out, sale revenues accrued and the profits made from its business under the trade mark/ trading name/ domain name violating the Plaintiffs' rights in the well-known trade mark MAHINDRA;

h) An order as to the costs of the present proceedings;



i) Any further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interests of justice."

2. It is stated that plaintiff no.1 is the flagship company of Mahindra Group, founded in the year 1945, and claims to have been carrying on business under the corporate name and trading style "Mahindra" and "Mahindra & Mahindra Ltd." since 1948. It also claims to hold registrations of the word marks "MAHINDRA" in Classes 12, 35, and 39, which are set out hereunder:

S No.	TM No. and Class	Date of Application	Trade Mark	Status
1.	322911 in Class 12	10-02-1977	MAHINDRA	Registered
2.	338997 in Class 12	27-07-1978		Registered
3.	354729 in Class 12	25-10-1979		Registered
4.	738967 in Class 12	07-04-1997		Registered
5.	800558 in Class 12	30-04-1998		Registered
6.	800564 in Class 12	30-04-1998	MAHINDRA & MAHINDRA	Registered
7.	2328206 in Class 12	08-05-2012		Registered
8.	2332513 in Class 35	16-05-2012		Registered



9.	2334881 in Class 39	21-05-2012		Registered
10.	2454728 in Class 35	04-01-2013		Registered
11.	2454726 in Class 12	04-01-2013		Registered
12.	2458229 in Class 35	10-01-2013		Registered
13.	2458227 in Class 12	10-01-2013		Registered
14.	2465429 in Class 35	23-01-2013		Registered
15.	2462573 in Class 12	18-01-2013		Registered
16.	2503035 in Class 35	26-03-2013		Registered
17.	2503033 in Class 12	26-03-2013		Registered
18.	3914317 in Class 39	11-08-2018	MAHINDRA	Registered
19.	3914313 in	11-08-2018	MAHINDRA	Registered



	Class 35			
20.	5559194 in Class 39	05-08-2022		Accepted & Advertised
21.	5559190 in Class 35	05-08-2022		Accepted & Advertised
22.	5559144 in Class 12	05-08-2022		Accepted

3. It is further stated that plaintiff no.2 is a part of the mobility service centres of the Mahindra Group and claims to be an integrated third-party logistics service provider that specializes in supply chain management and enterprise mobility solutions. It is the case of the plaintiffs that their mark has already been recognized as a well-known trademark in the judgment passed by the Supreme Court in *Mahendra & Mahendra Paper Mills Ltd. Vs. Mahindra & Mahindra Ltd., (2002) 2 SCC 147.*

4. It is claimed that the defendants are packers and movers who are using the plaintiff's word mark "MAHINDRA" in the form of various devices and logos, thereby infringing the plaintiff's registered trademarks, to deceive or confuse the customers into believing the existence of an association between the defendants and the plaintiffs. It is also claimed that the defendants have registered certain domains under their names, particularly defendant nos.1 to 4, who are the contesting defendants in the present suit. It is further stated that defendant nos.5 to 8 are mere intermediaries, and their role is limited to the extent of blocking and suspending the domain names. It is also stated that the defendant no.9 is the Department of Telecommunications, under the Ministry



of Communications, Union of India. It is also stated that the defendant nos.10 to 12 are the entities, claimed to be using and violating the plaintiff's well-known trademark and domain name. Being aggrieved by the *malafide* act of the defendants, the plaintiffs have approached this court seeking the abovementioned prayers.

5. Mr. Vishal Nagpal, learned counsel for the plaintiffs submitted that this Court, *vide* order dated 12.04.2023, had granted the following reliefs by way of an *ex-parte ad-interim* injunction as enumerated in para 16 of the said order. The said order was further modified to a limited extent *vide* order dated 02.05.2024. Both the orders dated 12.04.2023 and 02.05.2024 are extracted hereunder:-

Order dated 12.04.2023:-

"16. In these circumstances, following the principles enunciated in Midas Hygiene Industries P. Ltd. v. Sudhir Bhatia and Laxmikant V. Patel V. Chetanbhai Shah an order of injunction is to follow. As such, till the next date of hearing, the following directions are issued:

(i) The defendants as well as all others acting on their behalf shall stand restrained from using directly or indirectly the mark "MAHINDRA" or any other mark or name which is deceptively similar thereto.

(ii) Defendants 5, 7 and 8 are directed to block/suspend the five domain names enlisted in para 9 (supra) as well as any alphanumeric variation thereof.

(iii) Defendant 9 is directed to issue directions to the Domain Names Registrar/internet service licensees to block the aforesaid domain names.

(iv) Defendant 6 is directed to delist any listing pertaining to the aforesaid infringing domain names and to block/suspend the email IDs enlisted in para 51 of the LA."

Order dated 02.05.2024:-

"7. Accordingly, para 16 (ii) of order dated 12th April, 2023 is modified to read as under:



“Defendants 5, 7, and 8 are directed to block/suspend the five domain names enlisted in para 9 (supra). The plaintiff is permitted to implead any mirror/redirect alphanumeric variations of the said domain names, if so noticed/discovered by filing an application under Order 1 Rule 10, CPC. The Joint Registrar may then examine the said application and direct extension of the injunction orders to the said domain name as well. The plaintiff shall also be entitled to seek directions in relation to MEITY/DoT with respect to these mirror/redirect alphanumeric variations of the domain names for blocking orders in that regard. The Joint Registrar may examine the same and extend the directions given in para 16 (iii) to the same.”

6. He would submit that so far as defendant nos.10 to 12 are concerned, who are entities alleged to be using and violating the plaintiff’s well-known trademark and domain name, they were impleaded during the subsistence of the present suit in terms of the order dated 02.05.2024, whereby permission was granted to the plaintiffs to implead other mirror/redirect alphanumeric variation websites. He would also submit that the learned Joint Registrar, *vide* order dated 02.08.2024, permitted the impleadment of defendant nos.10 and 11 and extended the interim order dated 12.04.2023, particularly the directions contained in para 16, to operate against them, and similarly, *vide* order dated 09.09.2024, identical directions were passed in respect of defendant no.12

7. Mr. Satya Ranjan Swain, learned Central Government Standing Counsel for defendant no.9 drew attention of this Court to the communication letter dated 03.05.2023 filed by defendant no.9, *vide* the Index dated 04.11.2024, in compliance with the direction enumerated in para 9 of the order dated 12.04.2023, confirming the blocking of five (05) websites. The said letter is extracted hereunder:-



2026:DHC:2154



“BY EMAIL & DoT website

**Government of India
Ministry of Communications
Department of Telecommunications
BY EMAIL & DoT website
Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001
(Data Services Cell)**

No. 813-07 /LM-15/2023-DS-II

Dated: 03.05.2023

To,

All Internet Service Licensee's

Subject: CS(Comm) 209 of 2023, Mahindra and mahindra limited & ANR VS. Diksha Sharma Proprietor of Mahindra Packers Movers & Ors. Before Hon'ble Delhi High Court.

Kindly find the enclosed Hon'ble Delhi High court order dated 12.04.2023 on the subject matter.

*2. Please refer to the **para 10(iii)** of the said court order in respect of blocking of 05 websites enumerated in the **para 9** of the said court order.*

3. Accordingly, in view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for blocking of the said websites, as above, for compliance of the said court order.

Director (DS-11)

Tel: 011-2303 6860

Email: dirds2-dot@nic.in”

8. Ms. Shivani Choudhary, learned counsel for defendant no.5/GoDaddy.com submitted that, insofar as defendant no.5 is concerned, an affidavit of compliance was filed on 31.07.2023. She further submitted that *vide* order dated 19.07.2023, this Court had directed defendant no.5 to disclose the registrant and payment details of domain names <mahindrapackers.com>, <mahindrapackers.in> and <mahindrapackersandmovers.in> within two weeks from the date of the said order. The said directions have since been complied with and the affidavit in terms thereof has also been placed on record.



9. Mr. Vihan Dang, learned counsel for defendant no.6/Google LLC, submitted that in compliance with the order dated 12.04.2023, the defendant no.6 had also de-indexed the websites in question, which are enumerated in para 5 of the written statement filed by defendant no.6. The same reads thus:-

“5. Without prejudice to the Answering Defendant’s rights and contentions, pursuant to this Hon’ble Court’s direction vide the order dated 12th April 2023 (hereinafter also the “Ad-interim Order”), the Answering Defendant has de-indexed the Identified Domains at serial numbers (iii) and (v) of paragraph 3 above, from the Google Search Engine in the country domain. In relation to the Identified Domains at serial numbers (i), (ii) and (iv) of paragraph 3 above, a perusal of the records of the Answering Defendant reflect that the said Identified Domains were not in the index of the Google Search Engine in the country domain, and therefore, no action in respect of the said domains was necessitated or required to be taken by the Answering Defendant. Further, pursuant to the Ad-interim order, the Answering Defendant has disabled the Gmail Service for the Identified Email Accounts.”

10. Mr. Nagpal, learned counsel for the plaintiffs thus submitted that, insofar as the original prayers sought in the suit are concerned, the same stand satisfied in view of the affidavit of compliance and other compliance reports filed by the official defendants, and the decree in that regard may accordingly be passed. Thus, this Court deems it appropriate, keeping in view the fact that the directions have already been complied with by defendant nos.1 to 4 and 10 to 12, the requirement for calling for oral evidence is not warranted. In accordance with the Rule 7(viii) of the Delhi High Court Intellectual Property Rights Division Rules, 2022, the same is dispensed with.

11. Mr. Nagpal, however, sought another relief in terms of the judgments passed in *UTV Software Communication Ltd. & Ors. v. 1337X.To & Ors., (2019) SCC OnLine Del*, and *Universal City Studios LLC & Ors. v. Mixdrop Co. & Ors., (2023) SCC OnLine Del 3395*, whereby a Coordinate Bench of this Court had permitted the plaintiffs therein to implead



mirror/redirect/alphanumeric websites which may provide access to the same websites/services of defendants who had already been enjoined. He submitted that such impleadment may be permitted by filing an appropriate application under Order I Rule 10 of the Code of Civil Procedure, 1908 (“CPC”) alongwith supporting affidavits and evidence, so as to enable the learned Joint Registrar (Judicial) to extend the final judgment passed by the Court *vide* orders dated 10.04.2023 and 02.05.2024.

12. At this stage, this Court initially was of the opinion that the plaintiff may be entitled to some reliefs, however, upon an examination of the law in this regard, this Court deemed it appropriate to hear the arguments of the learned counsel for the plaintiffs on the clarifications sought in that regard, i.e., (i) whether the plaintiffs would be entitled to such liberty to implead the alleged infringers by way of an application post-decree of the suit, without having sought such a prayer in the prayer clause of the suit; and (ii) whether the Court while exercising its powers under Section 151 of the CPC, can extend the dynamic injunction to mirror/redirect/alphanumeric websites by empowering the learned Joint Registrar (Judicial) to pass appropriate orders on applications seeking impleadment of third parties post-pronouncement of the judgment.

13. Learned counsel for the plaintiffs *qua* query no. (i), submitted that there is no need to make any specific prayer in the prayer clause in the infringement suit regarding impleadment of mirror/redirect/alphanumeric websites or third parties post-decree of the suit, as per Order VII Rule 7 of the CPC. While referring to the said Order, he submitted that the suit plaint shall specifically state the relief which the plaintiff seeks to claim either simply or in the alternative, and it shall not be necessary to ask for general or other relief, as the pleadings and everything therein have to be looked at together. He placed



emphasis on prayer clause 86(c) in the suit to contend that the prayer clause, however, explicitly contains a prayer seeking relief against any other domain names that contain the plaintiff's registered trademarks. While referring to para 68 of the suit, he submitted that the plaintiffs have categorically mentioned its grievance with respect to such websites, as any entity would be able to register infringing domain names with mirror/redirect/alphanumeric variants. Therefore, he would contend that the plaintiffs have made the necessary averments as also sought the necessary relief in that regard.

14. In support of his contentions, he relied on the judgment of the Supreme Court in ***Rajendra Tiwary v. Basudeo Prasad, (2002) 1 SCC 90***, particularly to para 10, which is extracted hereunder:

“10. A plain reading of Order VII Rule 7 makes it clear that it is primarily concerned with the drafting of relief in a plaint. It is in three parts—the first part directs that the relief claimed by the plaintiff, simply or in alternative, shall be stated specifically. It incorporates in the second part the well-settled principle that it shall not be necessary to ask for general or other relief which may always be given as the court may think just on the facts of the case to the same extent as if it had been asked for. The third part says that in regard to any relief claimed by the defendant in his written statement, the same rule shall apply.”

15. With respect to the second issue, this Court had apprised learned counsel of the ratio laid down by the Supreme Court in ***Dwaraka Das vs. State of M.P. & Anr., (1999) 3 SCC 500; Orissa Administrative Tribunal Bar Assn. vs. Union of India, (2023) 18 SCC 1; Mehta Suraya & etc. vs. United Investment Corporation, (2002) SCC OnLine Cal 57***, wherein it has been held that the Civil Court having pronounced the judgment, is denuded of any jurisdiction to interfere in the said judgment except to the extent of exercise of power of Review under Order LXVII of CPC or correction of errors under Section 152 of the CPC, and therefore, it may not be possible to grant any such relief as sought. To that, learned counsel for the plaintiffs



relied upon the same judgments to submit that the Court, by virtue of the inherent power exercised under Section 151 of the CPC, may grant similar reliefs and further extend the final judgment post decree, even though it becomes “*functus officio*”.

16. Relying on the aforementioned judgments, learned counsel submitted that having regard to almost identical situation having arisen in the present suit, the plaintiffs would be entitled to the similar relief against the mirror/redirect/alphanumeric websites on the basis that the said websites would link directly to the original websites, which have been enjoined by this Court by way of an interim order or by the final judgment this Court shall pass. He thus concluded that, this Court, therefore, may be inclined to grant similar reliefs under Section 151 of the CPC by empowering the learned Joint Registrar (Judicial) of this Court to pass appropriate orders on an applications seeking impleadment of third parties and upon the evidence being furnished by the plaintiffs, to further extend the order dated 12.04.2023 upon such newly impleaded parties.

17. Having heard the learned counsel for the plaintiffs, it would be worthwhile to extract relevant paragraphs of the *UTV Software (supra)* and *Universal City Studios (supra)* judgments as relied upon by the learned counsel for the plaintiff. The same reads thus:-

UTV Software Communication Ltd. v. 1337X.To and Ors.

“99. Though the dynamic injunction was issued by the Singapore High Court under the provisions of Section 193 DDA of the Singapore Copyright Act, and no similar procedure exists in India, yet in order to meet the ends of justice and to address the menace of piracy, this Court in exercise of its inherent power under Section 151 CPC permits the plaintiffs to implead the mirror/redirect/alphanumeric websites under Order I Rule 10 CPC as these websites merely provide access to the same websites which are the subject of the main injunction.



100. *It is desirable that the Court is freed from constantly monitoring and adjudicating the issue of mirror/redirect/alphanumeric websites and also that the plaintiffs are not burdened with filing fresh suits. However, it is not disputed that given the wide ramifications of site-wide blocking orders, there has to be judicial scrutiny of such directions and that ISPs ought not to be tasked with the role of arbiters, contrary to their strictly passive and neutral role as intermediaries.*

101. *Consequently, along with the Order I Rule 10 application for impleadment, the plaintiffs shall file an affidavit confirming that the newly impleaded website is a mirror/redirect/alphanumeric website with sufficient supporting evidence. On being satisfied that the impugned website is indeed a mirror/redirect/alphanumeric website of injuncted Rogue Website(s) and merely provides new means of accessing the same primary infringing website, the Joint Registrar shall issue directions to ISPs to disable access in India to such mirror/redirect/alphanumeric websites in terms of the orders passed.*

102. *It is pertinent to mention that this Court has delegated its power to the learned Joint Registrar for passing such orders under Section 7 of the Delhi High Court Act, 1966 read with Chapter II, Rule 3(61) read with Rule 6 of the Delhi High Court (Original Side) Rules 2018. The said provisions are reproduced hereinbelow:-*

“3. Powers of the Registrar- The powers of the Court, including the power to impose costs in relation to the following matters, may be exercised by the registrar:

(61) Such other application, as by these Rules are directed to be so disposed of by the Registrar, but not included in this Rule and any other matter, which in accordance with orders or directions issued by Court, is required to be dealt with by the Registrar.

6. Delegation of the Registrar’s Power – The Chief Justice and his companion Judges may assign or delegate to a Joint Registrar, Deputy Registrar or to any officer, any functions required by these Rules to be exercised by the Registrar.”

103. *In the event, any person is aggrieved by any order passed by the Registrar, the remedy for appeal is provided and may be availed of under Rule 5 of Chapter II of the Delhi High Court*



(Original Side) Rules, 2018 reproduced hereinbelow:-

“5. Appeal against the Registrar’s orders.- Any persons aggrieved by any order made by the Registrar, under Rule 3 of this Chapter, may, within fifteen days of such order, appeal against the same to the Judge in Chambers. The appeal shall be in the form of a petition bearing court fees of Rs.2.65.”

SUGGESTION

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RELIEF

107. Keeping in view the aforesaid findings, a decree of permanent injunction is passed restraining the defendant-websites (as mentioned in the chart in paragraph no. 4(i) of this judgment) their owners, partners, proprietors, officers, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, from, in any manner hosting, streaming, reproducing, distributing, making available to the public and/or communicating to the public, or facilitating the same, on their websites, through the internet in any manner whatsoever, any cinematograph work/content/programme/show in relation to which plaintiffs have copyright. A decree is also passed directing the ISPs to block access to the said defendant-websites. DoT and MEITY are directed to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the said defendant-websites. The plaintiffs are permitted to implead the mirror/redirect/alphanumeric websites under Order I Rule 10 CPC in the event they merely provide new means of accessing the same primary infringing websites that have been enjoined. The plaintiffs are also held entitled to actual costs of litigation. The costs shall amongst others include the lawyer's fees as well as the amount spent on Court-fees. The plaintiffs are given liberty to file on record the exact cost incurred by them in adjudication of the present suits. Registry is directed to prepare decree sheets accordingly.”

Universal City Studios LLC & Ors vs. Mixdrop.co & Ors.,

“40. Piracy through Cyberlockers is swift and dealing with that is challenging. As per Plaintiffs’ contentions, it is anticipated that Defendants No. 1 to 13 will re-emerge with mirror websites,



*redirect pages, or websites featuring variations using alphanumeric characters. This is not a hypothetical proposition, but a hard reality. Once a film is uploaded to a Cyberlocker website, it can be shared and downloaded by numerous users in a matter of minutes or hours, leading to widespread infringement before effective countermeasures can be implemented. To avoid burdening the Court with the constant monitoring of such websites, Plaintiffs are permitted to implead mirror/redirect/alphanumeric variation websites which provide access to the same websites/ services of Defendants Nos. 1 to 13 that have been injuncted, by filing an appropriate application under Order I Rule 10 of the CPC, supported by affidavits and evidence, in terms of the decision of this Court in **UTV Software Communication Ltd. & Anr. v. 1337x.to and Ors.** Such application shall be listed before the Joint Registrar, who on being satisfied with the material placed on record, shall issue directions to disable access to such mirror/redirect/alphanumeric websites in India.”*

18. In the context of reliance upon the ratio laid down by the Coordinate Bench in the *UTV Software (supra)* and *Universal City Studios (supra)* judgments, this Court is unable to fathom the prayers made by learned counsel for the plaintiff. A direction of the nature sought by the plaintiff can or may be permissible to be considered while the suit is “*alive*” and the Court is in “*seisin*” of such suit. However, once the Court passes a final judgment and a decree is directed to be drawn up in terms thereof, the Court becomes “*functus officio*”. Moreover, it is trite by *stare decisis* that once a judgment is passed by a Court as per the provisions of Order XX of CPC, such judgment or decree can or may be interfered with, only in two circumstances and none other. Those are, (i) if a party seeks correction of the nature of clerical or typographical errors/mistakes or; (ii) a party seeks review of the judgment. In all other circumstances, undoubtedly, the Court becomes “*functus officio*”.

19. There is a long line of unshakeable judgments, timeless, seminal, which have unequivocally and manifestly held that the Courts become “*functus*



officio” once the final judgment under Order XX, CPC is passed. Some of them are also in the context of whether any order under Section 151, CPC can be passed once a final judgment under Order XX, CPC is passed by a Court. To get a flavor, some of such judgments of the Supreme Court as well as various High Courts are reproduced hereunder:

i. Dwaraka Das vs. State of M.P. & Anr., (1999) 3 SCC 500:

“6. Section 152 CPC provides for correction of clerical or arithmetical mistakes in judgments, decrees or orders of errors arising therein from any accidental slip or omission. The exercise of this power contemplates the correction of mistakes by the court of its ministerial actions and does not contemplate of passing effective judicial orders after the judgment, decree or order. The settled position of law is that after the passing of the judgment, decree or order, the court or the tribunal becomes functus officio and thus being not entitled to vary the terms of the judgments, decrees and orders earlier passed. The corrections contemplated are of correcting only accidental omissions or mistakes and not all omissions and mistakes which might have been committed by the court while passing the judgment, decree or order. The omission sought to be corrected which goes to the merits of the case is beyond the scope of Section 152 for which the proper remedy for the aggrieved party is to file appeal or review application. It implies that the section cannot be pressed into service to correct an omission which is intentional, however erroneous that may be. It has been noticed that the courts below have been liberally construing and applying the provisions of Sections 151 and 152 of the CPC even after passing of effective orders in the lis pending before them. No court can, under the cover of the aforesaid sections, modify, alter or add to the terms of its original judgment, decree or order. In the instant case, the trial court had specifically held the respondent-State liable to pay future interest only despite the prayer of the appellant for grant of interest with effect from the date of alleged breach which impliedly meant that the Court had rejected the claim of the appellant insofar as pendente lite interest was concerned. The omission in not granting the pendente lite interest could not be held to be accidental omission or mistake as was wrongly done by the trial court vide order dated 30-11-1973. The High Court was, therefore, justified in setting aside the aforesaid order by accepting the revision petition filed by the State.”

[emphasis supplied]

ii. State Bank of India & Ors. vs. S.N. Goyal, (2008) 8 SCC 92:



“26. It is true that once an authority exercising quasi-judicial power takes a final decision, it cannot review its decision unless the relevant statute or rules permit such review. But the question is as to at what stage an authority becomes functus officio in regard to an order made by him. P. Ramanatha Aiyar's Advanced Law Lexicon (3rd Edn., Vol. 2, pp. 1946-47) gives the following illustrative definition of the term “functus officio”:

“Thus a judge, when he has decided a question brought before him, is functus officio, and cannot review his own decision.”

27. Black's Law Dictionary (6th Edn., p. 673) gives its meaning as follows:

“Having fulfilled the function, discharged the office, or accomplished the purpose, and therefore of no further force or authority.”

28. We may first refer to the position with reference to civil courts. Order 20 of the Code of Civil Procedure deals with judgment and decree. Rule 1 explains when a judgment is pronounced. Sub-rule (1) provides that the court, after the case has been heard, shall pronounce judgment in an open court either at once, or as soon thereafter as may be practicable, and when the judgment is to be pronounced on some future day, the court shall fix a day for that purpose of which due notice shall be given to the parties or their pleaders. Sub-rule (3) provides that the judgment may be pronounced by dictation in an open court to a shorthand writer [if the Judge is specially empowered (sic by the High Court) in this behalf]. The proviso thereto provides that where the judgment is pronounced by dictation in open court, the transcript of the judgment so pronounced shall, after making such corrections as may be necessary, be signed by the Judge, bear the date on which it was pronounced and form a part of the record. Rule 3 provides that the judgment shall be dated and signed by the Judge in open court at the time of pronouncing it and when once signed, shall not afterwards be altered or added to save as provided by Section 152 or on review. Thus, where a judgment is reserved, mere dictation does not amount to pronouncement, but where the judgment is dictated in open court, that itself amounts to pronouncement. But even after such pronouncement by open court dictation, the Judge can make corrections before signing and dating the judgment. Therefore, a Judge becomes functus officio when he pronounces, signs and dates the judgment (subject to Section 152 and power of review). The position is different with reference to quasi-judicial authorities. While some quasi-judicial tribunals fix a day for pronouncement and pronounce their orders on the day fixed, many quasi-judicial authorities do not pronounce their orders. Some publish or notify their



orders. Some prepare and sign the orders and communicate the same to the party concerned. A quasi-judicial authority will become *functus officio* only when its order is pronounced, or published/notified or communicated (put in the course of transmission) to the party concerned. When an order is made in an office noting in a file but is not pronounced, published or communicated, nothing prevents the authority from correcting it or altering it for valid reasons. But once the order is pronounced or published or notified or communicated, the authority will become *functus officio*. The order dated 18-1-1995 made on an office note, was neither pronounced, nor published/notified nor communicated. Therefore, it cannot be said that the appointing authority became *functus officio* when it signed the note dated 18-1-1995.

[emphasis supplied]

iii. Orissa Administrative Tribunal Bar Association. vs. Union of India, (2023) 18 SCC 1:

104. *P. Ramanatha Aiyar's The Law Lexicon (1997 Edn.) defines the term functus officio as:*

“A term applied to something which once has had a life and power, but which has become of no virtue whatsoever ... One who has fulfilled his office or is out of office; an authority who has performed the act authorised so that the authority is exhausted.”

105. *Black's Law Dictionary (5th Edn.) defines the term as follows:*

“Having fulfilled the function, discharged the office, or accomplished the purpose, and therefore of no further force or authority. ... an instrument, power, agency, etc. which has fulfilled the purpose of its creation, and is therefore of no further virtue or effect.”

106. *The doctrine of functus officio gives effect to the principle of finality. Once a Judge or a quasi-judicial authority has rendered a decision, it is not open to her to revisit the decision and amend, correct, clarify, or reverse it (except in the exercise of the power of review, conferred by law). Once a judicial or quasi-judicial decision attains finality, it is subject to change only in proceedings before the appellate court.*

107. *For instance, Section 362 of the Code of Criminal Procedure, 1973 provides that a court of law is not to alter its judgment once it is signed:*

“**362. Court not to alter judgment.**—Save as otherwise provided by this Code or by any other law for the time being in force, no Court, when it has signed its judgment or final order disposing of a



case, shall alter or review the same except to correct a clerical or arithmetical error.”

108. *In Hari Singh Mann v. Harbhajan Singh Bajwa, (2001) 1 SCC 169, this Court recognised that Section 362 was based on the doctrine of functus officio :*

“10. ... The section is based on an acknowledged principle of law that once a matter is finally disposed of by a court, the said court in the absence of a specific statutory provision becomes functus officio and disentitled to entertain a fresh prayer for the same relief unless the former order of final disposal is set aside by a court of competent jurisdiction in a manner prescribed by law. The court becomes functus officio the moment the official order disposing of a case is signed. Such an order cannot be altered except to the extent of correcting a clerical or an arithmetical error.”

109. *The doctrine of functus officio exists to provide a clear point where the adjudicative process ends and to bring quietus to the dispute. Without it, decision-making bodies such as courts could endlessly revisit their decisions. With a definitive endpoint to a case before a court or quasi-judicial authority, parties are free to seek judicial review or to prefer an appeal. Alternatively, their rights are determined with finality. Similar considerations do not apply to decisions by the State which are based entirely on policy or expediency.*

110. *Turning to the present case, the appellants’ argument that the Union Government was rendered functus officio after establishing OAT does not stand scrutiny. The decision to establish OAT was administrative and based on policy considerations. If the doctrine of functus officio were to be applied to the sphere of administrative decision-making by the State, its executive power would be crippled. The State would find itself unable to change or reverse any policy or policy-based decision and its functioning would grind to a halt. All policies would attain finality and any change would be close to impossible to effectuate.”*

[emphasis supplied]

iv. Mehta Suraya & etc. vs. United Investment Corporation, (2002) SCC

OnLine Cal 57:

“21. Correction/Amendment of decree:

Order 20, Rule 3, CPC provides that the judgement is to be signed by the Judge, and once signed, it shall not be altered or added to afterwards, save as provided by Section 152 or on review. Once



the Court pronounces the decree and signs it, the Court becomes functus officio, except within the scope and ambit of Section 152 or under Section 114 read with Order 47, CPC. In 1976, Section 153-A was inserted in CPC. It is an extension of the power under Section 152, to be exercised by the Trial Court in certain cases, even though the decree is that of the Appeal Court. Section 153-A has not introduced any new power. It only empowers the Trial Court to exercise the power under Section 152, in respect of a decree that has been affirmed or modified by the Appeal Court, in certain cases.

22. Section 153: Order 6, R. 17, CPC:

In the present case, the Orders dated 17th August, 2000 and 22nd August, 2000 purported to amend the plaint in the suit as well as the application for decree on admission and the consequential amendment in the decree, by incorporating the building, which was not subject matter of the suit and the decree, till the amendment was allowed. The power under Section 153 is available to the Court during the pendency of the suit, viz: until the Court becomes functus officio. Therefore, the Court could not exercise Section 153 read with Order 6, Rule 17, in this case, in view of Order 20, Rule 3, CPC. The only jurisdiction available to the Court, is that of under Section 152 read with Section 153-A, CPC. It is not a case of review, and as such we may not examine the said aspect now. The amendment of the plaint and the amendment of the application for decree on admission, could not be undertaken by the Court in exercise of jurisdiction under Section 153 read with Order 6, Rule 17, CPC.

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23.2. *It is an admitted proposition that S. 151 is to be resorted to, when there is no express provision provided in C.P.C. Section 153 provides power to make necessary amendments in the pleadings read with O. 6, R. 17, C.P.C. This can be exercised till the Court becomes functus officio. Order 20, Rule 3 prescribes that a decree cannot be altered or added to after it is signed, except under S. 152. When the Code provides a specific provision barring Courts' jurisdiction, exercising jurisdiction under S. 151, C.P.C., it cannot circumvent the same. Section 151 cannot be used to contradict the procedure laid down in CPC itself. It is only when no specific provision is available under C.P.C., then S. 151 can be availed of. But when something is prohibited by C.P.C., exercising Section 151, the same cannot be circumvented.*

24. Ends of justice:

Be that as it may, even then it has to be exercised for the ends of justice. Can it be said, that the plaint and the application for



decree on admission were amended for the ends of justice! The answer is simply in the negative. Inasuch as, even if it is for the ends of justice, such ends of justice is not only in favour of the decree-holder but also the judgment-debtor. But by reason of such exercise, third parties, who were not otherwise bound by the decree, cannot be made to be bound, particularly, when the relief that is now being sought to be asked for, could have been included in the plaint or could have been kept open by obtaining leave under O. 2, R. 2, C.P.C. Such amendment will not only contradict O. 20, R. 3, C.P.C., but also will contradict O. 2, R. 2 thereof. What the plaintiff could not avail of under O. 2, R. 2, C.P.C., is sought to be achieved through S. 152 or under S. 151, which is wholly impermissible. Once the decree is passed and is signed, the Court becomes functus officio. It can no more exercise its power under S. 153 read with O. 6, R. 17, C.P.C. If it cannot do so by reason of express provision available for such purpose, it cannot do it under S. 151, C.P.C. It would be simply altering a decree, which is subject to S. 151, C.P.C. The Court having become functus officio can no more go behind the decree. As the executing Court cannot go behind the decree, the Court that passed the decree, can also not go behind the decree, except as provided under S. 152, C.P.C. Section 151 cannot be utilized or exercised for any purposes, which are not permissible, or in other words which are prohibited under O. 20, R. 3 or O. 2, R. 2, C.P.C.

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26.2. *In Dwarka Das v. State of M.P., 1999 (3) SCC 500 : (AIR 1999 SC 1031), it was held that S. 152, C.P.C. provides for correction of clerical or arithmetical mistake in judgments decree or orders or errors arising therein from any accidental slip or omission. The exercise of this power contemplates the correction of mistake by the Court of its ministerial action and does not contemplate of passing effective judicial orders on the judgment, decree or order. It is a settled proposition of law, that after the passing of the judgment, decree or order the Court or Tribunal becomes functus officio and thus it is not entitled to vary the terms of the judgment, decrees and orders passed. The powers contemplated, are of correcting only accidental omission or mistakes and not all omissions and mistakes, which might have been committed by the Court, while passing the judgment, decree or order. It implies that the Section cannot be pressed into service to correct an omission, which is intentional, how far erroneous that may be. It has been noticed, that sometimes the Courts have been liberally construing and applying the provinces of Sections 151 and 152 of the C.P.C., even after passing of effective orders in the lis, which ceased to be pending before them. No Court*



can, under the cover of the aforesaid Section modify, alter or add to the terms of its original judgment, decree or order. In the present case, the amendment that has been incorporated, relates to the amendment of the plaint and the application for decree on admission, without which, the decree could not be amended. Such a correction cannot be brought about, even by way of review. Such a correction is not a correction within the scope and ambit of S. 152, not being an accidental slip or omission or a clerical or arithmetical mistake by the Court. The mistake, error or omission in a judgment or decree, which are subject matter of correction under S. 152 read with S. 151 are mistakes, errors and omissions of the Court. This provision does not contemplate correction of errors, omissions or mistakes made by a party to the lis viz: in the pleadings etc.

[emphasis supplied]

v. Vasantha Mills Ltd. vs. Nandakumar Athappan, (2021) 1 HCC (Mad)

640:

“48. “Functus officio” is a latin term applied to something, which once has had a life and power, but which has become of no virtue whatsoever, after fulfilling or accomplishing the purpose of its creation. In Dwaraka Das case [Dwaraka Das v. State of M.P., (1999) 3 SCC 500], after the decree of the trial court, the decree-holder filed an application under Section 152 CPC praying for awarding of interest from the date of the suit, till the date of the decree by correcting the judgment and decree on the ground that non-awarding of interest pendente lite was an accidental omission. The trial court allowed this application and directed the correction of the judgment and decree by awarding interest pendente lite. Aggrieved by the judgment and decree of the trial court, the judgment-debtor (JD) appealed to the High Court. The High Court partly allowed the appeal by holding the judgment-debtor (JD) is liable to pay only a sum of Rs 4783.33 to the decree-holder with interest at the rate of 6% pa. The order of the trial court granting interest pendente lite was set aside. Challenging the High Court order, the decree-holder took up the matter to the Supreme Court. In the said context, the Supreme Court said,

“Section 152 CPC provides for correction of clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission. The exercise of this power contemplates the correction of mistakes by the court of its ministerial actions and does not contemplate of passing effective judicial orders after the judgment, decree or order. The settled position of law is that after the passing of the judgment, decree or order, court or the Tribunal becomes functus officio and



thus being not entitled to vary the terms of the judgments, decrees and orders earlier passed. The corrections contemplated are of correcting only accidental omission or mistakes and not all omissions and mistakes which might have been committed by the court, while passing the judgment, decree or order. The omission sought to be corrected, which goes to the merits of the case is beyond the scope of Section 152 for which the proper remedy for the aggrieved party is to file appeal or review application. It implies that the section cannot be pressed into service to correct an omission which is intentional, how erroneous that may be. It has been noticed that the courts below have been liberally construing and applying the province of Sections 151 and 152 CPC even after passing off effective orders in the lis pending before them. No court can under the cover of the aforesaid sections modify, alter or add to the terms of its original judgment, decree or order. In the instant case, the trial court specifically held the respondents State court said, liable to pay future interest only, despite the prayer of the appellant for grant of interest with effect from the date of alleged breach, which impliedly meant that the court had rejected the claim of the appellant insofar as pendente lite interest was concerned. The omission in not granting the pendente lite interest could not be held to be accidental omission or mistake.”

49. Following the above dictum laid in Dwaraka Das case, the Supreme Court in its subsequent judgment *K. Rajamouli v. A.V.K.N. Swamy*, (2001) 5 SCC 37, held:

“In the present case, neither the arbitrators nor the trial court awarded pendente lite interest to the decree-holder. The executing court also refused to grant pendente lite interest to the decree-holder and the same was upheld by the High Court in the revision petition filed against the order of the executing court. However, the position would be different where the judgment of a court provides for pendente lite interest and decree omits to mentions such interest. Such a mistake could be corrected under Section 152 CPC. The correct position of law is that a decree cannot add or subtract any relief except what has been provided in the judgment.”

50. The four line order of the Supreme Court in *Narpat Singh v. Rajasthan Financial Corpn.*, 2007 SCC OnLine SC 1580 relied by appellant counsel reads as below:

“IA Nos. 15-16 for clarification and direction of court's order dated 3-5-2007 are totally misconceived. Moreover, ordinarily no IA lies after a case is finally disposed of. Ordinarily, an IA is maintainable only in a pending case. Once a case is finally disposed of the Court



becomes functus officio, and thereafter an IA lies ordinarily only for correcting clerical or accidental mistake. The same are accordingly, dismissed.”

51. Bholi v. Lachhman Singh, 2008 SCC OnLine SC 1963 case arise from a suit for declaration of title alleging the sale deed obtained by defendants by fraud. The plaintiff lost before the trial court. Pending his appeal before the appellate court, the parties entered into compromise and a decree was passed. As per the terms of the compromise, Defendants 8 to 18 agreed to pay a sum of Rs 10,000 in two instalments, one of Rs 7000 on or before 30-10-1985 and second instalment of Rs 3000 on or before 30-5-1986. However, the defendants failed to pay the second instalment within the time fixed. An application was filed under Section 147 CPC for extension of time to deposit the second instalment which was rejected by the trial court. Aggrieved thereby, the defendants filed an application under Section 115 CPC which was allowed by the High Court by extending the time enabling the defendants to deposit the second instalment. Against the order of the High Court, the plaintiff filed civil appeal (CA) before the Supreme Court. The said civil appeal was disposed of on 30-10-2002 with the following observation:

“It is not disputed that the settlement arrived at between the parties was made part of the decree of the court. It was a decree like any other decree passed by the civil court. Once a decree is passed by the court, it becomes functus officio to modify the decree. It is only the higher court either to set aside the decree or to modify the decree. Since the court, after passing the decrees became functus officio, it also had no power under Section 148CPC to extend the time for depositing the money by modifying the terms of the decree which was passed on settlement between the parties. If the court modifies the decree, it varies the terms of the settlement which is not permissible. In that view of the matter, the High Court fell in error in extending the time for depositing the second instalment by the defendants. Consequently, the appeal deserves to be allowed.”

[emphasis supplied]

vi. *Telecom Watchdog v. Union of India, (2025) SCC OnLine Del 8811*

“14. We have considered the respective submissions made by the learned counsel for the parties and have also perused the records available on this miscellaneous application, however we are unable to agree with the submissions made by the learned counsel for the petitioner regarding maintainability of the instant miscellaneous application for the following reasons:—



A. Once this Court disposed of W.P.(C) 10621/2020 by passing the order dated 09.08.2024, the Court became *functus officio* and as such as laid down by the Hon'ble Supreme Court in *Ajay Kumar Jain v. State of Uttar Pradesh* [2024 SCC OnLine SC 3677], *Jaipur Vidyut Vitran Nigam Ltd. v. Adani Power Rajasthan Ltd.* [2024 SCC OnLine SC 313] and *State Bank of India v. S.N. Goyal* [(2008) 8 SCC 92 : (2008) 2 SCC (L&S) 678], the instant application cannot be legally permitted to be proceeded with.

In Ajay Kumar Jain (supra) the law laid down by Hon'ble Supreme Court in Jaipur Vidyut Vitran Nigam Ltd. (supra) has been quoted with approval and it has clearly been held that a miscellaneous application filed in a disposed of proceedings would be maintainable only for the purpose of correcting any clerical or arithmetical error and that a post disposal application for modification or clarification of order would lie only in rare cases where the order passed by the Court is executory in nature and the directions of the Court may have become impossible to be implemented because of subsequent events. The Apex Court had very clearly held that the Court has no jurisdiction to entertain such an application as no proceedings could be said to be pending before the Court once the proceedings stand terminated by final disposal of the writ petition, be it under Article 32 or Article 226 of the Constitution of India. The Hon'ble Supreme Court has, thus, observed that in such a situation, it is not open to the Court to reopen the proceedings by means of miscellaneous application in respect of a matter which provides a fresh cause of action. The Hon'ble Supreme Court has gone even to the extent of observing that if this principle is not followed there would be confusion and chaos and the finality of the proceedings would cease to have any meaning. The observations made by Hon'ble Supreme Court in Ajay Kumar Jain (supra) in paragraphs 11 to 17 are quoted hereunder:—

“11. This Miscellaneous Application on the face of it is not maintainable in law.

12. It is high time that this Court says something on the practice of the litigants filing miscellaneous applications in disposed of proceedings and that too after a period of 5 years, 7 years, 10 years.

13. These miscellaneous applications which are being filed on daily basis have something to do with fresh cause of action that might have arisen with a very remote connection with the main proceedings.



14. No miscellaneous application is maintainable in a writ petition to revive proceedings in respect of subsequent events.

15. In fact, the Court has no jurisdiction to entertain such application as no proceedings could be said to be pending before it. When proceedings stand terminated by final disposal of the writ petition be it under Article 32 of the Constitution or Article 226 of the Constitution before the High Court, it is not open to the Court to re-open the proceedings by means of a miscellaneous application in respect of a matter which provided a fresh cause of action. If this principle is not followed, there would be confusion and chaos and the finality of the proceedings would cease to have any meaning.

16. In the recent past, a co-ordinate bench of this Court observed the following in “Jaipur Vidyut Vitran Nigam Ltd. v. Adani Power Rajasthan Ltd., 2024 SCC OnLine SC 313”—

“We felt it necessary to examine the question about maintainability of the present application as we are of the view that it was necessary to spell out the position of law as to when such post-disposal miscellaneous applications can be entertained after a matter is disposed of. This Court has become functus officio and does not retain jurisdiction to entertain an application after the appeal was disposed of by the judgment of a three-Judge Bench of this Court on 31.08.2020 through a course beyond that specified in the statute. This is not an application for correcting any clerical or arithmetical error. Neither it is an application for extension of time. A post disposal application for modification and clarification of the order of disposal shall lie only in rare cases, where the order passed by this Court is executory in nature and the directions of the Court may become impossible to be implemented because of subsequent events or developments. The factual background of this Application does not fit into that description.”

(Emphasis supplied)

17. Thus, this Court made it abundantly clear that a miscellaneous application filed in a disposed of proceedings would be maintainable only for the purpose of correcting any clerical or arithmetical error. The Court further clarified that a post disposal application for modification or clarification of the order would lie only in rare cases where the order passed by this Court is executory in nature and the directions of the Court may have become impossible to be implemented because of subsequent events or developments.”



Enunciating the doctrine of *functus officio* the Hon'ble Supreme Court in *S.N. Goyal (supra)* has held in respect of Civil Courts that a Judge becomes *functus officio* when he pronounces, signs and dates the judgment and such judgment are subject only to Section 152 of the Civil Procedure Code, 1908 (CPC) and provision for review. It will be apposite to note here that Section 152 CPC only permits clerical or arithmetical mistakes in judgment/decrees/orders or errors arising therein from any omission, to be made by the Court either on its own motion or on an application by the parties to the proceedings.

[emphasis supplied]

20. Thus, the question as to the competence of a Court guided by the procedure laid down in the CPC for passing any direction after the judgment under Order XX, CPC has been pronounced, it is no more *res integra*. The Court after such pronouncement becomes "*functus officio*", except to review its judgment or correct any clerical/typographical errors or arithmetical or calculation mistakes under Section 152, CPC, for which no judicial determination or recording of any findings or settlement of issues are required. In other words, there is no judicial application of mind to the issues already settled in the said judgment.

21. How this gathers relevance in the present situation is that the prayers sought by the plaintiffs are to be acted upon after the pronouncement of judgment and post the Court becoming "*functus officio*". Two things emerge, (i) the ratio laid down by the above referred judgments clearly postulate that the only manner provided to the Court, which has pronounced the judgment, to revive its power to consider the judgment so pronounced is, when either of the parties file (a) an application for review of the judgment or; (b) when an application under Section 152, CPC is preferred to the limited purposes mentioned therein; and (ii) once the Court pronounces the judgment and it becomes "*functus officio*", it cannot exercise any jurisdiction over such matter, except for the aforementioned limited purposes. If that be so, then the



question of a Court, which has itself become “*functus officio*”, granting any power to a learned Joint Registrar (Judicial), who is only a Principal Officer of the Court to not only implead a party to the already decided and disposed of suit, but also to extend the interim order of injunction against such party is completely contrary to and principally against the very tenets of civil jurisprudence. Once the Court itself is denuded of its power to reopen or introduce any new issue having become “*functus officio*”, it is beyond comprehension as to how such power can be conferred or vested upon the Principal Officer of the Court who is surely not equal or even equivalent to the Court itself.

22. Another view could also be as to whether the *lis* would ever come to an end. In the manner proposed by learned counsel for the plaintiff, the suit would always be “*alive*” even after the judgment is pronounced or the decree is drawn up. A successful party can revive the suit even after a passage of long time. This would draw curtains upon the doctrine of finality attached to any legal proceedings.

23. With great respect and humility, in view of various pronouncements of the Apex Court as discussed above, I am unable to subscribe to the view taken in *UTV Software (supra)* and *Universal City Studios LLC (supra)* limited only in respect of the actions which could be taken by the plaintiff; and the right, authority and jurisdiction of the learned Joint Registrar (Judicial) to take up, adjudicate and implead a party in the first place; and further have any power at all to extend the dynamic injunction granted while the suit was subsisting, in the second; and all this, after the judgment is pronounced. It is made clear that the present examination is limited only to the post pronouncement of judgment exercise of powers by the learned Joint Registrar (Judicial) of this Court.



24. Another very relevant, yet, fundamental issue would be to consider and appreciate that the interim order of any nature, particularly, an interim injunction order finally merges and subsumes itself in the final judgment and decree, and thus, does not exist independently for any authority, muchless a learned Joint Registrar (Judicial) to exercise any jurisdiction at all. Wherefrom such power or jurisdiction is conferred or vested upon the Principal Officer of the Court, that too, post pronouncement of the judgment, is unknown and surely cannot be traced to any provision in the CPC. Section 151 of the CPC is also envisaged and postulated during the subsistence of a suit. The jurisdiction to entertain any application even under Section 151, CPC, is clearly proscribed by the Supreme Court in *Dwaraka Das (supra)*. Thus, even the Court cannot exercise any such power after pronouncement of the final judgment and decree and is limited in its very jurisdiction only to review of the judgment or correction of errors falling within Section 152, CPC alone. If the Court itself is denuded of any such power, the question of conferring or vesting such power on a *persona non grata* is fundamentally not available.

25. Though it may be in the context of Administrative Law, it is trite that what is not available with the Delegator cannot be conferred upon the Delegatee. In other words what cannot be achieved directly cannot be achieved indirectly. The Division Bench of the High Court of Andhra Pradesh at Hyderabad in *Kasturi Rangachari (A.) v. Chairman, Food Corporation of India, 1980 SCC OnLine AP 198*, held as under:

15. It is now well settled that delegation could take place only when the delegator has the power to delegate; but when the delegator does not have any power to delegate, we fail to appreciate how it could delegate to any other officer the powers which it did not possess. As pointed out hereinabove, according to regulation 4.57 read in conjunction with the appendix, it is only the executive committee which is the competent



authority to impose penalties. It is also not in dispute that it is the executive committee which is the appointing authority, so far as the petitioner is concerned. Therefore, when the draft regulations, which have been framed under S. 45 of the Act, gave powers to the executive committee to impose major penalties, so far as the petitioner is concerned, then we fail to understand how the board of directors which was not given any such powers under the regulations, could pass the resolution, dated 19 February 1969, delegating its powers and functions with regard to suspension and initiation of disciplinary proceedings to the managing director. In other words, since the draft regulations noted hereinabove gave power only to the executive committee to appoint the petitioner and also to impose major penalties the board of directors, which was not given any such powers under the draft regulations, could not delegate such powers to the managing director by its resolution, dated 19 February 1969.

[emphasis supplied]

26. This Court has also observed that none of the parties in *UTV Software (supra)* had brought to the notice of the learned Coordinate Bench of this Court, the aforementioned judgments passed by the Supreme Court and other High Courts as well. Thus, the judgment in *UTV Software (supra)* and *Universal City Studios (supra)*, appears to have been passed in the absence of the benefit of the aforementioned judgments.

27. It is trite that the ratio laid down by the Supreme Court is binding upon all Courts of the land, including High Courts, therefore, this Court is bound to follow the ratio laid down by the Supreme Court in the aforementioned judgments. This would be in consonance and conformity with the principles of judicial hierarchy and discipline. In such circumstances, this Court is required to render the above opinion, which is slightly divergent only on this issue.

28. Undoubtedly, the concept of a dynamic or a dynamic + injunction is evolving and the Courts are grappling as to how to control or curb the menace and how to effectively implement its order. Currently, the only option available with a decree holder is to implement the decree by way of execution



under the CPC. However, having regard to the technological advancements in the field of innovation and concepts like Artificial Intelligence and the rapid developments in use of the internet, rather misuse, the Courts have developed the law in relation to suits and executions to align with such technological advancements. However, the moulding of relief and innovation in the method of execution which may be required in view of the critical situation a plaintiff may face, cannot, in the humble view of this Court, travel beyond the confines of the CPC. Of course, that is till such time the Legislature amends the provisions of CPC or the Central Government introduces and engrafts drastic changes in the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which may assist the implementation of the Court orders in cases where dynamic + injunctions and decrees are passed. There is an urgent and alarming need for the Central Government and the Legislature to act in haste to bring about radical changes in CPC as also the IT Rules to suit, and align with the complex and critical issues that the citizens, organizations, and entities are grappling with. One can easily fathom the huge financial losses that institutions and companies etc. may face even after being successful in a litigation. Surely, no successful litigant can be expected to hold a decree and still be frustrated on account of non-implementation thereof.

29. As such, the Legislature and the Central Government are requested and advised to urgently take all appropriate steps to address this issue which is growing at an alarming rate and would consume and frustrate the execution of judgments and decrees passed by Courts in such special circumstances.

30. Thus, this Court is unable to accede to the arguments of the learned counsel for the plaintiffs regarding the prayers made to the extent of granting liberty to implead mirror/redirect/alphanumeric websites by filing an



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application under Order I Rule 10 of CPC, and to empower the learned Joint Registrar (Judicial), while exercising inherent powers under Section 151 of CPC to extend the final judgment passed by this Court, and as such the same are rejected.

31. This Court has perused the affidavit of compliance and other compliance reports filed by the official defendants. There is no impediment in case this suit is decreed in terms of the statement rendered by the learned counsel for the parties as enumerated in paras 6 to 10 above.

32. Let the decree sheet be drawn up accordingly.

33. The suit is decreed and disposed of.

TUSHAR RAO GEDELA, J

MARCH 16, 2026/rl