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

CNR No. DLHC010682092023

+ **CS(COMM) 861/2023 & I.A. 24111/2023**

FABINDIA LIMITED

.....Plaintiff

Through: Mr. Viraj R. Datar, Sr. Advocate with
counsel (appearance not given).

versus

ASHOK KUMAR/JOHN DOE AND ORS.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE A. J. BHAMBHANI

ORDER

02.09.2026

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I.A. 5713/2026

By way of the present application filed under Order XXXIX Rules 1 and 2 read with section 151 of the Code of Civil Procedure 1908 ('CPC'), the plaintiff seeks an *ex-parte ad-interim* order restraining the defendants from infringing the plaintiff's trade mark, copyright and other intellectual property rights in relation to the trade mark and trade name 'FABINDIA' in relation to its use on any online or social media platform such as Instagram, Facebook, LinkedIn, YouTube, Twitter/X or any analogues digital platform.

2. Mr. Viraj R. Datar, learned senior counsel appearing for the plaintiff submits that *vidé* order dated 04.12.2023, this court had passed restraint orders against the John Doe defendants, which order would now be applicable to the *proposed defendants*, as mentioned in the amended memo of parties.
3. However, it appears that the amended memo of parties filed by the plaintiff has been returned under office objections. Let the same be brought on record before the next date.



4. Learned senior counsel submits that, in the meantime, their prayer may be considered that defendant No.5/MEITY is declining to take requisite steps to implement the restraint order dated 04.12.2023 against the social media platforms, as referred to in the present application, on the flawed premise that order dated 04.12.2023 does not specifically mention that it would apply to those platforms.
5. In view of the prayer made, and considering the averments in the application, it is not considered necessary to issue notice on the present application.
6. This court is of the view that the scope, purport and purpose of order dated 04.12.2023 includes the issuance of a restraint order on the use of the plaintiff's trademark on any digital medium, including social media platforms, such as Instagram, Facebook, LinkedIn, YouTube, Twitter/X or any analogues digital platforms.
7. In view thereof, it is clarified that order dated 04.12.2023 would apply *equally* to any online or social media platform such as Instagram, Facebook, LinkedIn, YouTube, Twitter/X or any analogues digital channel or handle.
8. Re-notify on 01st December 2026 for further consideration after the amended memo of parties is brought on record.

I.A. 25097/2025

9. By way of the present application filed under section 151 read with Order I Rule 10(2) of the CPC, defendant No.3 seeks deletion from the array of parties, submitting that they are a payment aggregator; and are accordingly in the nature of an 'intermediary' who enjoy safe harbour protection under section 79 of the Information Technology Act, 2000



as read with decision of the Supreme Court in *Shreya Singhal vs. Union of India*¹.

10. Counsel submits that no substantive relief has been sought by the plaintiff against defendant No.3; and, in any case, defendant No.3 undertakes to comply with any directions or orders that this court may pass in the present proceedings.
11. In view of the prayer made, and considering the role of defendant No.3 in the present proceedings, the application is allowed.
12. Defendant No.3 is deleted from the array of party-defendants, *subject to* the undertaking furnished by learned counsel appearing for them, that they shall comply with any orders or directions that this court may pass in the present proceedings.
13. Application stands disposed-of.

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14. Learned counsel appearing for defendant No.9/Go Daddy LLC submits that they are in the same position as defendant No.3 except that they are a Domain Name Registrar; and have already complied with all directions issued to them for disclosure of registrant details and Basic Subscriber Information as prayed for by the plaintiff.
15. Counsel further submits, that no substantive relief has been claimed by the plaintiff against defendant No.9; and, in any case, they undertake to remain bound by any directions or orders that this court may pass in the present proceedings.

¹ (2015) 5 SCC 1



16. In view of the above, defendant No.9 is also deleted from array-of party-defendants, *subject to* their undertaking, as noted above.
17. Let Amended Memo of Parties be filed by the plaintiff before the next date.
18. Mr. Datar, learned senior counsel for the plaintiff also seeks time to file an application seeking summary judgment.
19. Let the needful be done before the next date.
20. Re-notify on 01st December 2026.

A. J. BHAMBHANI, J

SEPTEMBER 2, 2026/hb