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

+ CS(COMM) 240/2017

SONY PICTURES PRIVATE NETWORK INDIA PRIVATE
LIMITED Plaintiff

Through: Mr. Amit Sibal, Sr. Adv. with
Mr. Abhishek Malhora,
Mr. Angad Dugal,
Mr. Ankit Chaturvedi, &
Ms. Stuti Sharma, Advocates

versus

BBK ELECTRONICS & ORS Defendants

Through:

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

% **ORDER**
29.03.2017

IA No.3992/2017 (Section 149 & 151 CPC)

The learned senior counsel on instructions states that the plaintiff would pay the deficient court fee within two days. The time to that extent is granted.

Application stands disposed of.

IA No.3993-3994/2017 (exemption)

Exemption allowed, subject to all just exceptions.

Both the applications stand disposed of.

CS(COMM) 240/2017 and IA No.3991/2017 (Order XXXIX Rules 1 & 2 CPC)

Issue summons on the suit and notice on the application to the defendants, on requisite steps to be taken within one week, by all permissible modes, returnable on 14.07.2017.

The plaintiff presses for *ex parte ad interim* injunction. Having regard to the similarities between the programme *Kaun Banega Crorepati* with the impugned advertisement, published or telecast at the instance of defendants no.1 and 2, it having been conceptualized by defendant no.3, a case for *ex parte ad interim* injunction is made out, which if not granted, is likely to result in irreparable losses.

Therefore, the first, second and the third defendant, their partners, affiliates, directors and/or employees, *etc.* are restrained, till the next date of hearing, from broadcasting the impugned advertisement, *i.e.*, the advertisement titled, “*Best Smart Phone Contest*”, promoting the sale of “*Smartphone OnePlus 3T*” on any channel or on print or any other media, whether in relation to the product advertised or in relation to any other product, service or business and from doing any other act which amounts to, (i) infringement of plaintiff’s rights in and to the Intellectual Property Rights; and/or (ii) infringement of plaintiff’s copyright; and/or (iii) passing off or unfair competition.

Order XXXIX Rule 3 CPC shall be complied with within a week.

Dasti.

R.K.GAUBA, J.

MARCH 29, 2017

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