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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(COMM) 369/2019**  
**WARNER BROS. ENTERTAINMENT INC.**

..... Plaintiff

Through: Ms.R.Ramya, Ms.Mehr  
Sidhu, Advocates

versus

**HTTP.//TAMILROCKERS.WS & ORS.**

..... Defendant

Through: Mr.Azhar Qayum Khan,  
Advocate (VC) for Tata  
Teleservices Ltd.

**CORAM:**  
**JOINT REGISTRAR (JUDICIAL) SH. PURSHOTAM**  
**PATHAK (DHJS)**

**ORDER**  
**15.12.2022**

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**I.A. 21404/2022 filed by plaintiff Under Order 1 Rule 10 CPC seeking impleadment of additional mirrors, redirects or alpha numeric variations as defendant no. 238-246 in the memo of parties.**

Heard.

Vide this order, I shall dispose of the present application filed by plaintiff under Order 1 Rule 10 CPC for impleadment. The learned counsel for plaintiff has submitted that the Hon'ble Court was pleased to grant ex-parte *ad-interim* injunction in this suit against the defendants vide order dated 24.07.2019 and decree of permanent injunction vide order dated 10.10.2022 for infringement of copyrights with further directions that as and when plaintiff files an application under Order 1 Rule 10 for impleadment of such websites, plaintiff shall file an affidavit



confirming that the newly impleaded websites are mirror/redirect/alphanumeric websites, with sufficient supporting evidence and that the application shall be listed before Joint Registrar, who on being satisfied with the material placed on record, shall issue directions to the ISPs to disable access in India in such mirror/redirect/alphanumeric websites.

It is stated that after passing of the abovesaid judgment, other websites, as disclosed in application, have also started violation and these are mirrors, redirects or alphanumeric variations of the website blocked pursuant to the order dated 24.07.2019 and 10.10.2022 which are also necessary party to this suit. It is further stated that details of proposed defendants has been disclosed in Schedule-A annexed with application and they are also liable to be impleaded as defendant no. 238-246. It is further argued that even decree of permanent injunction dated 10.10.2022 is also liable to be extended against them and application may be allowed.

I have heard the arguments and perused the record. The law to deal with such applications and extension of *ex-parte ad-interim* injunction to newly added defendant has already been laid down in *UTV Software Communication Ltd. & Ors. vs. 1337X.TO & Ors.*, wherein it has been observed vide paragraph 107 to the effect:-

*“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 injuncted. 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."*

The plaintiff has filed affidavit of investigator along with sufficient material to prove that proposed defendants/websites are mirror/redirect/ alphanumeric websites of defendants which are also involved in violation of copyrights of plaintiff and have been permanently restrained to do so. In view of the submissions of Ld. Counsel for the applicant and the directions passed in para no. 26 of the said judgment, the websites mentioned in the prayer clause of the application especially Schedule-A are impleaded as defendant no. 238-246.

Since the newly added defendants are also stated to be involved in violation of copyrights of plaintiff, accordingly the decree of permanent injunction dated 10.10.2022 is also extended



against newly added defendant no 238-246. The DoT, ISP and MEITY are directed to do the needful in terms of the abovesaid decree of permanent injunction dated 10.10.2022.

Amended memo of parties is taken on record.

I.A. stands disposed of.

Registry is directed to do the needful.

Copy of order be given *dasti*.

**PURSHOTAM PATHAK (DHJS),  
JOINT REGISTRAR (JUDICIAL)**

**DECEMBER 15, 2022/sk**

*Click here to check corrigendum, if any*