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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1329/2025 & I.A. 31149-31151/2025 I.A. 31153/2025**
MR. SUNIL GAVASKARPlaintiff

Through: Mr. Gopal Jain, Sr. Advocate with
Mr. Vidushpat Singhania, Ms.
Aashita Khanna, Ms. Aanya Agarwal,
Mr. Karti Keya Prasad and Mr. Rahul
Trivedi, Advocates

versus

CRICKET TAK (CRICKETTAK557) AND ORS

.....Defendants

Through: Mr. Varun Pathak, Mr. Akhil
Shandilya and Ms. Varsha Jhavar,
Advocates for D-7
Mr. Aditya Gupta, Ms. Asavari Jain
and Ms. Vani Kaushik, Advocates for
D-11
Mr. Rohan Jaitley, CGSC, Mr. Dev
Pratap Shahi, Mr. Varun Pratap
Singh, Advs. for UOI/D-12 and 13

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **23.12.2025**

I.A. 31153/2025 (application under Section 12A of the Commercial Courts Act seeking exemption for instituting pre-litigation mediation)

1. The present application has been filed by the Plaintiff seeking exemption from instituting pre-litigation mediation under Section 12A of the Commercial Courts Act, 2015 ['Act of 2015'] read with Section 151 of the Code of Civil Procedure, 1908 ['CPC'].



2. Having regard to the facts of the present suit contemplates urgent interim relief and in light of the of the Supreme Court in **Yamini Manohar v. T.K.D. Krithi**¹, exemption from the requirement of pre-institution mediation is granted to the Plaintiff.

3. Accordingly, the application stands disposed of.

I.A. 31151/2025(seeking leave to file additional documents)

4. This is an application filed under Order XI Rule 1(4) of the Act of 2015 read with Section 151 of the CPC, 1908, seeking leave to file additional documents.

5. Learned senior counsel for the Plaintiff states that, at this stage, this relief is not pressed.

6. Accordingly, this application is disposed of, with liberty reserved next.

CS(COMM) 1329/2025

Deletion of Defendant Nos. 1 and 11

7. Mr. Gopal Jain, learned senior counsel for the Plaintiff, states on instructions that he is not pressing the infringing link vis-à-vis Defendant No. 1 on the social media platform of Defendant No. 11, and makes an oral prayer that Defendant Nos. 1 and 11 may be deleted from the array of parties.

8. Accordingly, Defendant Nos. 1 and 11 are hereby deleted from the array of parties.

Summons vis-à-vis the remaining Defendants

9. Let the plaint be registered as a suit

¹ (2024) 5 SCC 15.



10. Issue summons to Defendant Nos. 2, 4, 5, 8, and 9 [‘infringing Defendants’] upon filing of the amended memo of parties.

11. The summons shall indicate that the written statement(s) must be filed within thirty [30] days from the date of receipt of the summons. The infringing Defendants shall also file affidavit(s) of admission/denial of the documents filed by the Plaintiff, failing which the written statement(s) shall not be taken on record.

12. The Plaintiff is at liberty to file replication(s) thereto within thirty [30] days after filing of the written statement(s). The replication(s) shall be accompanied by affidavit of admission/denial in respect of the documents filed by the infringing Defendants, failing which the replication(s) shall not be taken on record.

13. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

14. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

15. No summons has been issued to Defendant Nos. 7, 10, 12 and 13 since they are proforma defendants and appropriate directions have been issued to them in the injunction application.

16. No arguments have been addressed vis-à-vis Defendant Nos. 3 and 6 and there is no mention in the Note for directions handed over during the hearing, therefore at this stage summons are not being issued to the said Defendants.

17. The Plaintiff will file an amended memo vis-à-vis Defendant No. 5 and the John Doe parties for which the Basic Subscriber Information [‘BSI’] details have been received, as directed in this order within two (2) weeks. In



this amended memo Defendant Nos. 1 and 11 are to be deleted as directed above.

18. List before the learned Joint Registrar (J) on **16.02.2026**.

19. List before Court on **22.05.2026**.

I.A. 31149/2025(application under Order XXXIX Rules 1 and 2 CPC)

20. The application has been filed by the Plaintiff under Order XXXIX, Rules 1 and 2, read with Section 151 of CPC, seeking permanent injunction restraining infringement of copyright, performer's right, misappropriation of personality and publicity rights, unfair competition and passing off, and other ancillary reliefs.

21. The Plaintiff's case as set up in the plaint is as under: -

22. The Plaintiff is a renowned cricketer and former captain of the Indian National Team, and currently a cricket commentator, sports-media personality.

23. The Plaintiff's professional playing career has spanned over two [2] decades, during which he has set numerous world records. In view of Plaintiff's contribution to sports, he has been awarded Padma Shri, India's fourth-highest civilian honour, in 1975 and Padma Bhushan in 1980. Details of Plaintiff's awards have been set out at paragraph '10' of the plaint.

24. On account of Plaintiff's stature in the game, he is widely referred to by the monikers 'Little Master' and 'Sunny'. These monikers have become synonymous with the Plaintiff's identity.

25. The Plaintiff enjoys following across social media platforms such as Instagram, X, and Facebook with millions of followers. He uses these platforms for promotional activities and philanthropic and public awareness initiatives.



26. The Plaintiff enjoys personality rights over all facets of his persona, including his name, image, voice, likeness, signature, monikers, and other indicia of identity. It is stated that these rights entitle him to control the commercial use of such attributes, and no third party may use, imitate or exploit any of these attributes without the Plaintiff's express authorisation.

Infringement by the Defendants

27. It is stated that the infringing Defendants² and Defendant No. 14 ['John Doe'] are clandestinely making use of the Plaintiff's image, persona and likeness, for their own commercial gain and/or to gain traction on social media platforms. The infringement carried out by the said Defendants is pleaded as follows: -

Infringement through sale of unauthorized merchandise

28. There are several traders and sellers found selling merchandise that prominently utilises the Plaintiff's image and signature without any due authorisation. The said sellers are physically affixing the name, image, and signature of the Plaintiff on products and merchandise that they engage in manufacture and sale with the sole aim of unlawfully showing a nexus or affiliation with the Plaintiff in order to unjustly enrich themselves at the cost of the Plaintiff's goodwill. The Defendants who are engaged in these infringing activities are Defendant Nos. 2, 4, and 5 on the e-commerce platforms of Facebook, Price History, Pinterest and eBay, respectively.

Infringement through false quotes

29. Defendant Nos. 8, 9 and 14 are engaged in attribution of false quotes on matters of cricket to the Plaintiff and broadcasting the same through social media platform of Defendant Nos. 7 and 10. The misrepresentation

² Defendant Nos. 2, 4, 5, 8 and 9



and misinformation is carried out by using the image of the Plaintiff along with the insertion of a false quote. By attributing such a quote to the Plaintiff, the said Defendants are intending to mislead the public into believing that it was the Plaintiff who made the stipulated statement. Permitting such a quote to be attributed to him would seriously jeopardise his credibility and position as a broadcaster and a critical commentator, particularly as the quotes pertain to current affairs.

Submissions on behalf of the Plaintiff

30. Mr. Gopal Jain, learned senior counsel for the Plaintiff states that any unauthorised use of the Plaintiff's name/image by third parties is likely to cause confusion or mislead the public into believing a false association, endorsement, or affiliation with the Plaintiff.

30.1. He states that the BSI and IP log details have been provided by Defendant No. 7. He further states that BSI and IP log details have also been provided by Defendant No. 11 and by eBay in respect of Defendant No. 5. He states that the Plaintiff shall take steps to amend the memo of parties within one [1] week.

30.2. He has handed over a Note enlisting the directions prayed for at this ad-interim stage. The Defendants and their infringing activities and/or status as proforma Defendants, as referred to and provided by the learned senior counsel for the Plaintiff, have been specified in the table below: -



<u>S.No.</u>	<u>Defendants</u>	<u>Infringing Activities</u>
1.	Defendant No. 2- M/s Ritwika Art and Café on Flipkart and PriceHistory App. Proforma Defendants to be made in the amended memo of parties: <u>PriceHistory App</u>	Creates and offers to sell photographs and wall art of the Plaintiff through third-party e-commerce websites for monetisation for commercial gain on the websites.
2.	Defendant No. 4 - Inverted Mushrooms (Defendant no. 4) Proforma Defendant to be made in the amended memo of parties: <u>Pinterest</u>	Selling photographs and portraits of the Plaintiff purportedly autographed by the Plaintiff through third party e-commerce websites for monetisation for commercial gain on the website and mobile application.
3.	Defendant No. 5- home_trade007 Proforma Defendant to be made in the amended memo of parties: <u>eBay</u>	Selling photographs of the Plaintiff purportedly autographed by the Plaintiff through third party e- commerce websites for monetisation for commercial gain on the websites.
4.	Defendant No. 8 – CricWric Proforma Defendant No. 7 – Meta Platforms Inc.	Creates and publishes unauthorized images further reproducing the Plaintiff's name and image containing false quotes attributed to the Plaintiff on the URLs.
5.	Defendant No. 9- Dhonism.com Proforma Defendant	Creates and publishes unauthorised images further reproducing the Plaintiff's name and image containing false quotes attributed to the Plaintiff on the URL:



	No. 7 – Meta Platforms Inc.	
6.	Defendant No. 14 – Ashok Kumar/John Doe(s) Proforma Defendant No. 10 - X Corp.	X account misusing the Plaintiff's name and image for a quote that is not made by him. Further indulging in unauthorized use and reproduction thereof.

30.3. He states that the directions sought at serial nos. 1, 2, and 3 pertain to the illegal and unauthorised sale of merchandise by third parties.

30.4. He states that the directions sought at serial nos. 4 and 5 pertain to specific URLs on the social media platform Meta/Defendant No.7, and those at serial no. 6 pertain to a specific URL on the social media platform X Corp/Defendant No.10, wherein the respective uploader has falsely attributed a quote to the Plaintiff, which is incorrect, as no such statement and/or quote was ever made by the Plaintiff.

30.5. He states that Plaintiff has not heard from Defendant No. 10 despite providing the grievance officer, with a copy of the plaint and the order dated 12.12.2025.

Court's Findings and Directions

31. This Court has heard the learned counsel for the parties and perused the record.

32. In the present suit, the Plaintiff has joined multiple causes of action arising from the unauthorised use of his personality rights by third parties, including the sale of merchandise for commercial gain. The Plaintiff has also raised a grievance with respect to attribution of false quotes to the Plaintiff by users of social media platforms, which results in spread of misinformation. The Plaintiff has asserted that such unauthorised acts



constitute a violation of his statutory and common law rights under the Copyright Act, 1957, the Trade Marks Act, 1999 and further amount to infringement of his right to privacy, goodwill, and reputation.

33. On the basis of the assertions made in the plaint and perusal of documents filed on record, this Court is of the prima facie view that the Plaintiff is a notable cricketer and commentator in India as well as the cricketing world who has gained immense goodwill and reputation over the course of a very successful career and has acquired a celebrity status in India.

34. In view of the law settled in **D.M. Entertainment VS. Baby Gift House³**, **Anil Kapoor Vs. Simply Life India and others⁴**, **Jaikishan Kakubhai Saraf Alias Jackie Shroff Vs. The Peppy Store and others⁵**, there can be no dispute that this status inherently grants the Plaintiff proprietary rights over his personality and associated attributes. The Courts have consistently held that the unauthorised use of a person's name, image, or other distinctive attributes for commercial purposes constitutes an infringement of such right, amounting to dilution of the individual's unique identity and leading to unearned commercial gain by others. It is well settled that where such personality rights are established, the individual is entitled to protection by way of injunction against their unauthorised use or exploitation.

35. Therefore, prima facie, the Plaintiff's personality traits and/or parts thereof, including Plaintiff's name Sunil Gavaskar, image, photograph,

³2010 SCC OnLine Del 4790

⁴ 2023 SCC Online Del 6914 [Paragraph Nos. 38 to 40]

⁵ 2024 SCC OnLine Del 3664



signature or likeness are protectable elements of the Plaintiff's personality rights. The Plaintiff is entitled to seek an injunction against the use of his personality rights by third parties for selling merchandise for their commercial gains.

36. The Plaintiff is a commentator and attribution of specific quotes to him with his image by the users on social media platforms, which according to the Plaintiff are patently false would be liable to be taken down on his complaint. The Plaintiff has filed this plaint which is duly supported by an affidavit affirming on oaths that these quotes are false. The Plaintiff's objection to the quotes published by Defendant Nos. 8, 9 and John Doe entity would squarely fall within Rule 3(1)(v) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021.

37. The balance of convenience lies in favour of the Plaintiff, and the continuing availability of the infringing content would cause irreparable injury to the Plaintiff. The Plaintiff has therefore made out a case for ex-parte ad-interim injunction against the infringing Defendants.

38. The Plaintiff's Note enlisting the directions prayed for at this ad-interim stage is annexed to this order as **Annexure A**.

39. In the meantime, until further orders, the following directions are hereby issued: -

39.1. The infringing Defendant Nos. 2, 4, 5, 8, 9 and Defendant No.14/John Doe Defendant or any one acting for or on their behalf are restrained from utilizing the Plaintiff – Sunil Gavaskar's; name, likeness, image, signature to create any merchandise, or in any other manner misuse the said attributes using technological tools such as Artificial



Intelligence, GIFs, printing, publishing etc. for commercial purposes, so as to result in violation of the Plaintiff's personality rights and publicity rights.

- 39.2. Defendant Nos. 2, 4 and 5 are restrained from selling and/or facilitating the sale of merchandise that infringes the personality rights of the Plaintiff. The said Defendants are directed to delist the products enlisted in **Annexure A** within 72 hours from receipt of the order.
- 39.3. Defendant Nos. 8 and 9 are restrained from publishing, circulating, or otherwise disseminating any material including the publication of false or fabricated quotes attributed to the Plaintiff. The said Defendants are directed to take down the infringing content enlisted in **Annexure A** within a period of 72 hours from receipt of the order.
- 39.4. Defendant No. 10 is directed to take down the infringing URLs enlisted in **Annexure A** within 72 hours from receipt of the order. It is further directed to provide the BSI details with respect to Defendant No.14 to the Plaintiff.
- 39.5. In case Defendant Nos. 2, 4, 5, 8 and 9 fail to take down the infringing URLs enlisted in **Annexure A**, Defendant No. 7, Price History and eBay are directed to take down the infringing links within 72 hours.
40. If any aggrieved party, which is not primarily an infringing party, is blocked/affected in pursuance of this Order, it is permitted to approach the Court by giving an undertaking that it does not intend to do any illegal dissemination of the content, which infringes the personality rights of the



Plaintiff and the Court would consider modifying the injunction if the facts and circumstances, so warrant.

41. Order XXXIX Rule 3 compliance be done within one [1] week. Affidavit of service be filed within two (2) weeks.

42. Issue notice to non-appearing Defendant Nos. 2, 4, 5, 8, 9, and 10 through all permissible modes, upon filing of process fees, returnable on the next date of hearing.

43. Let the reply to this application be filed by the infringing Defendants within a period of four [4] weeks from receipt of notice.

44. Defendant No. 7 and Defendant No. 10 in its reply explain the basis of the inaction of their respective grievance officer in taking down the infringing URLs on the complaint of the Plaintiff that the URLs attribute a quote to the Plaintiff which is false.

45. Rejoinder thereto, if any, be filed within a period of four [4] weeks thereafter.

46. List before the learned Joint Registrar (J) on **16.02.2026**.

47. List before Court on **22.05.2026**.

48. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 23, 2025/mt/aa



ANNEXURE A

List of Specific Infringing URLs

<u>S.No.</u>	<u>DEFENDANTS</u>	<u>INFRINGING ACTIVITIES</u>
A. <u>SALE OF MERCHANDISE</u>		
1.	<p>Defendant No. 2- M/s Ritwika Art and Café on Flipkart and PriceHistory App.</p> <p>Proforma Defendants to be made in the amended memo of parties: <u>PriceHistory App</u></p>	<ul style="list-style-type: none">• https://www.flipkart.com/ritwika-s-cricketer-sunil-gavaskar-sports-framed-painting-digital-reprint-19-5-inch-x-13-5/p/itm57ef29103b29• https://pricehistory.app/p/ritwikas-digital-painting-cricketer-sunil-gavaskar-sports-Ab33Kiw8
2.	<p>Defendant No. 4 - Inverted Mushrooms (Defendant no. 4)</p> <p>Proforma Defendant to be made in the amended memo of parties: <u>Pinterest</u></p>	<ul style="list-style-type: none">• https://in.pinterest.com/pin/rare-hand-signed-autograph-book-of-1983-world-cup-legend-sunil-gavaskar-little-master-idols-bidcurios--811773901609346376/
3.	<p>Defendant No. 5- home_trade007</p> <p>Proforma Defendant to be made in the amended memo of parties: <u>eBay</u></p>	<ul style="list-style-type: none">• https://www.ebay.co.uk/itm/145758579845• https://www.ebay.com/itm/187182045286• https://www.ebay.com/itm/185674976335
B. <u>FALSE QUOTES</u>		
4.	<p>Defendant No. 8 - CricWric</p>	<ul style="list-style-type: none">• https://www.instagram.com/p/DRgmgiHEy



	Proforma Defendant No. 7 – Meta Platforms Inc.	<u>Bs/</u> <ul style="list-style-type: none">• https://www.facebook.com/cricwricnews/photos/%EF%B8%8F-is-gavaskar-right-comment-your-viewsunilgavaskar-gautamgambhir-indvssa-testcri/779420091808174/
5.	Defendant No. 9- Dhonism.com Proforma Defendant No. 7 – Meta Platforms Inc.	<ul style="list-style-type: none">• https://www.facebook.com/reel/727931643679192
6.	Defendant No. 14 – Ashok Kumar/John Doe(s) Proforma Defendant No. 10 - X Corp.	<ul style="list-style-type: none">• https://x.com/KALLIVAYALIL/status/1993576680288665883