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

+ CS(COMM) 181/2021

STAR INDIA PVT LTD & ANR.Plaintiffs

Through: Mr. Angad S. Makkar, Mr. Yatinder Garg and Ms. Snehima Jauhari, Advs.
M: 9897896284

versus

SAJID HUSSAIN & ORS.Defendants

Through: Mr. Bhagvan Swarup Shukla, CGSC
with Mr. Sarvan Kumar and Mr. Satyam Singh, Advs. for UOI.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

10.03.2025

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1. The present suit has been filed seeking relief of permanent injunction restraining the defendants who are stated to be infringing the plaintiffs' copyright and broadcast reproduction rights and ancillary reliefs.

2. The plaintiff no.1 claims to be a leading entertainment and media company in India, and is engaged in the production of popular content broadcast on its STAR Channels. It is also an exclusive licensee of media rights to various sporting events, which are broadcasted on its STAR Channels. It is also claimed that plaintiff no.1 is the owner of an extensive portfolio of more than 70 channels in over eight languages. Plaintiff no. 2 owns and operates the online audio-visual streaming platform and website 'www.hotstar.com', and the mobile application 'Disney+Hotstar' which is now known as 'JioHotstar'.



3. It is the case of the plaintiffs that they are the producers of various TV shows and/or web series, which are communicated on STAR Channels and/or Disney+Hotstar (now JioHotstar), having exclusive distribution rights to publicly exhibit and communicate the said content through any medium or mode. The plaintiffs claim to have rights under the Copyright Act on various TV shows, films and web series.

4. The present case has been filed raising the submission that defendant no.1 is the owner of the application software known as “Thop TV”. It is claimed that defendant no.1 is a rogue application software and it illegally provides access to content shown on TV Channels, including, movies, TV shows, live sporting events, web series and other Video on Demand content without authorization from the original owner of the content, including, the plaintiffs. It has been averred that defendant no.1 is providing the content free of cost, and even on subscription, thus, commercially exploiting the plaintiffs’ work and content.

5. When the matter was listed for hearing on 16th April, 2021, an *ex-parte ad interim* injunction was granted in favour of the plaintiffs and against the defendants, in the following manner:

“xxx xxx xxx

14. Consequently, till the next date of hearing:

(i) defendant No. 1, its owners, partners, proprietors, officers, servants, affiliates, employees and all others in capacity of principal or agent acting for and on its behalf, or anyone claiming through, by or under it, are restrained from, in any manner, communicating to the public, hosting, storing, reproducing, streaming, broadcasting, re-broadcasting, causing to be seen or heard by public, and/or making available for viewing, the plaintiffs' content through its application "Thop TV" or through the domains/websites - thethoptv.com, thoptyv.online, thoptyvpc.com, thoptyv-apk.in, thoptyvapps.com, thoptyvpro.com, thoptyv-



pc.com, thethoptv.net, indianabones.buzz, teslamodelz.buzz and/or any other application/domains/websites.

ii) defendant Nos. 2 to 10 are directed to block access to various domains names of defendant No. 1 and/or its collaborator websites within 72 hours of receipt of this order.

iii) defendant No. 11 is directed to deactivate/suspend the domain name registration of thoptv-apk.in.

iv) defendant No. 12 is directed to deactivate/suspend the domain name registration of thoptvpro.com and thoptvapps.com.

v) defendant Nos. 13 & 14 are directed to issue notifications calling upon the internet & telecom service providers to block access to various domains of defendant No. 1 and/or its collaborator websites.

vi) in case the plaintiffs come across any other domain names/websites carrying out the infringing activities, the plaintiffs would file an affidavit before this Court and on such an affidavit being filed, the directions contained above would also apply to such subsequent domain names/websites.

xxx xxx xxx”

6. The said injunction order was made absolute *vide* order dated 08th April, 2024.

7. This Court notes that the rights of the defendant nos. 2 to 14 and 17 to file their written statement, were closed *vide* order dated 08th December, 2023.

8. Further, the right of defendant no.16 to file its written statement, was closed *vide* order dated 08th August, 2024.

9. This Court also notes that all the defendants were proceeded *ex-parte*, as recorded in the order dated 08th April, 2022, in the following manner:

“xxx xxx xxx

6. Further to order dated 16th April, 2021, summons has been issued. Subsequently, vide order dated 25th February, 2022, the Court had



observed that all the Defendants have been served but none has appeared. Mr. Shukla, Id. counsel, appears for DoT and MIETY. Other defendants are proceeded ex-parte.

xxx xxx xxx”

10. This Court also notes that in the order dated 25th February, 2022, it is clearly recorded that the defendant no.1 has been served. It is also recorded in the same order that all the defendants are deemed to have been served. The relevant portion of the order dated 25th February, 2022, reads as under:

“[VIA VIDEO CONFERENCING]

1. Report from the Registry is that the defendant No. 1 has been served by email and that there is no 'bounced back' report against remaining respondents, except defendant No.12/PDR LTD. D/B/A PUBLICDOMAINRLGISTRY.COM. However, affidavit of service filed by the plaintiffs discloses that this defendant, i.e. defendant No. 12, has been served.

2. In view of these service reports, all the defendants are deemed to have been served.

3. No written statement has been filed.

4. Ms. Snehima Jauhari, learned counsel for the plaintiffs, submits that on the basis of the documents that have been filed, a judgment may be passed in favour of the plaintiffs. She has placed reliance on decisions in UTV Software Communications Ltd. & Ors. v. 1337x.to & Ors., 2019 SCC OnLine Del 8002, Satya Infrastructure Ltd & Ors v. Satya Infra & Estates Pvt. Ltd. 2013 SCC OnLine Del 508 and Star India Pvt. Ltd. v. Moviestrunk.com & Ors., 2020 See OnLine Del 2040.

5. Orders reserved.

6. The order be uploaded on the website forthwith.”

11. Perusal of the record shows that no written statement has been filed on behalf of any of the defendants. Thus, it is manifest that no defence has been raised on behalf of the defendants. Accordingly, all the submissions



made by the plaintiffs in their plaint, as well as the contents of the documents filed along with the plaint, are deemed to have been admitted.

12. In the absence of any written statement, and deemed admission, by the defendants, no purpose would be served in putting the matter for any further trial and the matter can be closed at this stage.

13. This Court also notes the submission of learned counsel appearing for the plaintiff, that they are pressing costs only against defendant nos. 16 and 17, as they are the actual operators of the rogue mobile application, i.e., Thop TV.

14. In view of the submissions made before this Court, it is held that the plaintiff is entitled to actual costs of the suit.

15. Considering the submissions made before this Court, in exercise of this Court's jurisdiction under Order VIII Rule 10, the following directions are issued:

i. Decree is passed in favour of the plaintiffs and against the defendants in terms of paragraph 79 (i) to (iv) of the plaint.

ii. For the purposes of calculations of actual costs, the plaintiffs are directed to file their bill of costs in terms of Rule 5, of Chapter 23, of the Delhi High Court (Original Side) Rules, 2018. The same shall be done by the plaintiffs, within a period of four weeks, from today.

16. For this purpose, representatives of the plaintiffs shall appear before the Joint Registrar (Judicial), who shall determine the actual costs, incurred by the plaintiffs in the present litigation.

17. Let decree sheet be drawn up.

18. Accordingly, the present suit, stands disposed of.

19. List before the Joint Registrar (Judicial) for computation of costs on



28th April, 2025.

MINI PUSHKARNA, J

MARCH 10, 2025/kr