
(2010) 12 DEL CK 0085
In the Delhi High Court
Case No : C.S. (OS) No. 2641 of 2010

HT Media Limited

APPELLANT

Vs

Legalpundits International Services Pvt. Ltd.

RESPONDENT

Date of Decision : 24-12-2010

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 1, Order 39 Rule 2, Order 39 Rule 3, 151

Citation : (2010) 12 DEL CK 0085

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Saikrishna Rajagopal, Sidharth Chopra, Saurabh Srivastava and Nitin Sharma, for the Appellant;

Judgement

Sunil Gaur, J.

I.A. No. 17642/2010 (exemption) in C.S. (OS) No. 2641/2010

1. Exemption allowed, subject to filing of original/ certified copies/authenticated copies of documents and within four weeks.

I.A. is disposed of.

I.A. No. 17641/2010 (under Section 151 of CPC) In C.S. (OS) No. 2641/2010

2. Counsel for the plaintiff states that this application has become in fructuous and can be disposed of.

3. In view of the aforesaid, this application stands disposed of as in fructuous.

C.S. (OS) No. 2641/2010 and I.A. No. 17640/2010 (under Order 39 Rule 1 & 2 CPC)

4. Issue summons of the suit and notice of the application to the Defendants, by ordinary process as well as by registered post/AD, returnable before Joint Registrar on 24th March 2011. In addition, Defendant be also served at its email

address, to be provided by the plaintiff.

5. Heard on the ad-interim ex-parte injunction. Learned Counsel for the plaintiff states that the Defendant from the plaintiffs website, www.hindustantimes.com and www.live.mint.com, unauthorisedly copies the plaintiff's latest articles and reproduces and makes available to the public such copied articles on its website, www.legalpundits.com, for commercial gains and as such Defendant is guilty of infringing the plaintiff's copyright under the Copyright Act as well as Trademarks Act, 1999.

6. Counsel for the plaintiff asserts that the Defendant without any consent or permission from the plaintiff is blatantly copying plaintiff's articles from the plaintiff's aforesaid websites and referred to the copies of the various articles, filed alongwith the plaint to substantiate his submission. It is further urged by learned Counsel for the plaintiff that if ex-parte ad-interim injunction is not granted then the plaintiff will suffer irreparable harm and injury not only to reputation but otherwise financial loss as well. Reliance has been placed upon *Laxmikant V. Patel v. Chetanhat Shah and Anr.* 2002 (24) PTC 1, to contend that once a case of passing off is made out, the general practice is to grant an ad-interim ex-parte injunction.

7. After having heard learned Counsel for the plaintiff and upon perusal of the record of this case, this Court finds that a prima facie case for grant of ad-interim ex-parte injunction is made out in favour of the plaintiff. Accordingly, Defendant, its principal officers, directors, agents, franchisees, servants and all others acting for and on behalf of, are restrained from directly or indirectly using, copying/ reproducing, and/or making available on its website(s), including www.legalpundits.com, and/or in any manner whatsoever, the plaintiff's articles/content/works, either entirely or in parts, and/or in any manner, amounting to infringement of the plaintiff's Copyright Compliance of Order 39 Rule 3 CPC be made within three days.