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

% Judgment delivered on: 28/02/2026

\+ **CS(COMM) 9/2024 & I.A. 260/2024**

ASSOCIATED BROADCASTING COMPANY LIMITED .....Plaintiff

versus

GOOGLE LLC & ORS. .....Defendants

Advocates who appeared in this case

For the Plaintiff	:	Mr. Harsh Kaushik, Mr. Shwetank Tripathi, Mr. Deepank Singhal, Ms. Devangini & Mr. Harsh Prakash, Advocates.
For the Defendants	:	Ms. Aishwarya Kane, Advocate for Defendant No. 1.

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

JUDGMENT

TEJAS KARIA, J

I.A. 21020/2025

FACTUAL BACKGROUND:

1. The Plaintiff has instituted the present Suit seeking, *inter alia*, injunction against Defendant Nos. 2 to 5 restraining them from issuing any groundless threat of copyright infringement and declaration that the acts of

Plaintiff as elucidated in the Plaint do not amount to copyright infringement of the works alleged to be owned by Defendant Nos. 2 to 5.

2. In the present Suit, Defendants Nos. 2 to 5 have not filed a written statement and / or affidavit of admission or denial of documents filed by the Plaintiff. In this background, the Plaintiff has filed the present Application under Order XIIIA of the Code of Civil Procedure, 1908 ("**CPC**") as amended by the Commercial Courts Act, 2015, ("**CC Act**") read with Rule 27 of the Delhi High Court Intellectual Property Rights Division Rules, 2022 read with Chapter XA Rule 3 of the Delhi High Court (Original Side) Rules, 2018 seeking Summary Judgment against Defendant Nos. 2 to 5 in respect of Prayer Paragraph Nos. 47 (i) and (ii) of the Plaint.

SUBMISSIONS ON BEHALF OF THE PLAINTIFF:

3. The learned Counsel for the Plaintiff made the following submissions:

3.1. The Plaintiff is a company incorporated under the Companies Act, 1956, and is *inter alia* engaged in the business of media and broadcasting services, news dissemination and owns and operates several television channels and digital platforms across the country in the name and style of 'TV9' along with the television network namely 'TV9 Network'.

3.2. In addition to the traditional news broadcasting, the Plaintiff also provides digital news services through its websites *viz*. tv9hindi.com; tv9telugu.com; tv9bangla.com; tv9gujarati.com; tv9marathi.com, etc. The Plaintiff has also created YouTube Channels such as TV9Telugulive on 15.12.2011 and TV9Bharatvarsh on 19.11.2018 ("**Contested Channels**") among

other such channels on the platform YouTube, provided by Defendant Nos. 1 and 6.

3.3. In course of its business, the Plaintiff's creative team creates various videos / programs on news reporting and current affairs from across the world. As a part of the programme, the Plaintiff uses certain pictures and video footage of real / current events and / or calamities available online for the sole purpose of reporting and / or informing the news to the members of the public about the same. The Plaintiff, wherever law requires, depending on the usage enters into appropriate agreements with third party content owners. Between 2020-23, the Plaintiff conceived and created original news programs on below mentioned events:

a. Laura Hurricane in US;
b. Ongoing Israel Hamas war;
c. Heavy Snowfall in US;
d. New York floods;
e. 2023 Chinese Balloon incident in US;

These events were covered by various news channels across the globe. In covering these events, in addition to their own creatives, the Plaintiff and other news channels source and use real-time on-ground footage from various sources made available online. The Plaintiff also used some on-ground footage from the material available online and uploaded the original news programs on the Contested Channels on various dates from 2020 to 2023.

3.4. Defendant No. 1 is the owner of the online video sharing and social media platform YouTube. Defendant No. 2 appears to be a

media brokering company based in the United States of America ("**US**"). Defendant No. 2 claims to be engaged in the business of creating and selling media footage of extreme weather conditions in the US. Defendant No. 3 appears to be engaged in the business of digital rights management for professional content creators. Defendant No. 4 appears to be an entity who follows a videographer named Brandon Clement and covers extreme weather conditions across the world. Defendant No. 5 appears to be based in Ankara, Turkey and engaged in the business of providing English news services. Defendant No. 6 is the Indian subsidiary of Defendant No. 1 and manages and conducts Defendant No. 1's operations within the territory of India.

3.5. In December 2023, the Plaintiff received copyright strike notices ("**Strike Notices**") by Defendant Nos. 2 to 5 on the videos uploaded by the Plaintiff on the Contested Channels alleging copyright infringement. The videos in respect of which the Strike Notices had been issued by Defendant Nos. 2 to 5 pertained to news programs curated by the Plaintiff in relation to the events reproduced as below:

Sr. No.	**Video Description / Date uploaded on Plaintiff's said Channels**	**(a) Duration of the video / (b) Alleged use of Defendants' Alleged Work**	**Status**
1.	America में Laura ने मचाई तबाही, 164 साल में सबसे खतरनाक तूफान... ("said Video 1") Uploaded on 28 August	(a) 3.29 minutes /(b) 4 seconds	19 December 2023: Copyright strike issued by Defendant No. 4. 27 December 2023: Plaintiff submitted a counter notification inter alia on the ground of fair dealing / de minimis use. On the same day, counter notification is forwarded by Defendant No. 1 to Defendant No. 4.

	2020		28 December 2023: Defendant No. 1 sent an email to the Plaintiff informing it that the Defendant No. 4 has filed a case. Defendant No. 1 further intimated the Plaintiff that the copyright strike will be cleared and further action will be subject to the outcome of the case. Current status: Video has been removed from the platform by the Defendant No. 1 due to a copyright claim by Defendant No. 4.
2.	'बम साइक्लोन' अटैक..USA का बिगड़ा ट्रैक! | America | Bomb Cyclone | Canada | Weather Update ("said Video 2") Uploaded on 25 December 2022	(a) 7.11 minutes /(b) 15 seconds	19 December 2023: Copyright strike issued by Defendant No. 4. 26 December 2023: Plaintiff submitted a counter notification inter alia on the ground of fair dealing / de minimis use. 27 December 2023: Counter notification forwarded by Defendant No. 1 to Defendant No. 4. 28 December 2023: Defendant No. 1 sent an email to the Plaintiff informing it that the Defendant No. 4 has filed a case. Defendant No. 1 further intimated the Plaintiff that the copyright strike will be cleared and further action will be subject to the outcome of the case. Current status: Video has been deleted from the platform by the Plaintiff in good faith, without prejudice to its rights and contentions.
3.	Hizbullah का हनूका ब्लूप्रिंट...Israel पर हमले की बहुत बड़ी तैयारी! | World war3 | Netanyahu |Biden ("said Video 3") Uploaded on 31 October	(a) 50.40 minutes / (b) 50 seconds	20 December 2023: Copyright strike issued by Defendant No. 5. 27 December 2023: Plaintiff submitted a counter notification inter alia on the ground of fair dealing / de minimis use. On the same day, counter notification is forwarded by Defendant No. 1 to Defendant No. 5.

	2023		Current status: Defendant No. 5 did not take any steps, and therefore, the copyright strike stood invalidated was per policy of Defendant No. 1. However, in good faith, the Plaintiff had taken down the said Video 3 from its channel.
4.	Florida में सबसे घातक तूफान, सुपर पावर हलकान | Cyclone | Florida Gulf Coast ("said Video 4") Uploaded on 1 October 2022	(a) 4.22 minutes / (b) 17 seconds	15 December 2023: Copyright strike issued by Defendant No. 2. 22 December 2023: Plaintiff submitted a counter notification inter alia on the ground of fair dealing / de minimis use. 28 December 2023: Defendant No. 1 sent an email to the Plaintiff informing it that the Defendant No. 2 has filed a case. Defendant No. 1 further intimated the Plaintiff that the copyright strike will be cleared and further action will be subject to the outcome of the case. Current status: Video has been deleted from the platform by the Plaintiff in good faith, without prejudice to its rights and contentions.
5.	बर्फ की ऐसी मार सुपरपावर ने डाले हिथयार!| America | Canada | Heavy Snowfall | Weather News | #TV9D ("said Video 5") Uploaded on 28 December 2022	(a) 11.06 minutes / (b) 7 seconds	15 December 2023: Copyright strike issued by Defendant No. 2. 22 December 2023: Plaintiff submitted a counter notification inter alia on the ground of fair dealing / de minimis use. 28 December 2023: Defendant No. 1 sent an email to the Plaintiff informing it that the Defendant No. 2 has filed a case. Defendant No. 1 further intimated the Plaintiff that the copyright strike will be cleared and further action will be subject to the outcome of the case. Current status: Video has been deleted from the platform by the Plaintiff in good faith, without prejudice to its rights and contentions.

Sr. No.	Description / Date uploaded on Plaintiff's said Channels	Duration of the video / Alleged use of Defendants' Alleged Work	Status
6.	New York Floods: న్యూయార్క్ అతలాకుతలం- ఎమర్జెన్సీ విధింపు - TV9 ("said video 6") Uploaded on 30 September 2023	(a) 2.13 minutes / (b) 18 seconds	19 December 2023: Copyright strike issued by Defendant No. 4. 26 December 2023: Plaintiff submitted a counter notification inter alia on the ground that (i) the footage is sourced from an original video of the Plaintiff's licensor viz. APTN (ii) fair dealing / de minimis use. The Claimant has submitted evidence of filing a case in US which the Defendant No. 1 has forwarded to the Plaintiff. The strike is temporarily cleared by the Defendant No. 1 on the Plaintiff's Channels and is subject to outcome of the said case. Current status: Video has been removed from the platform by the Defendant No. 1 due to a copyright claim by Defendant No. 4.
7.	Tornado rips through Texas, Video captures Car flipped over by high wind - TV9 ("said Video 7") Uploaded on 26 March 2022	(a) 1.12 minutes / (b) 52 seconds	15 December 2023: Copyright strike issued by Defendant No. 3. 26 December 2023: Plaintiff submitted a counter notification inter alia on the ground of fair dealing / de minimis use. The Claimant has submitted evidence of filing a case in US which the Defendant No. 1 has forwarded to the Plaintiff. The strike is temporarily cleared by the Defendant No. 1 on the Plaintiff's Channels and is subject to outcome of the said case. Current status: Video has been deleted from the platform by the Plaintiff in good faith, without prejudice to its rights and contentions.
8.	US shoots down suspected Chinese	(a) 1.17 minutes / (b) 65 seconds	15 December 2023: Copyright strike issued by Defendant No. 2.

	spy balloon - TV9 (“said Video 8”) Uploaded on 5 February 2023		16 December 2023: Plaintiff submitted a counter notification inter alia on the ground that (i) part of the footage is sourced from an original video of Plaintiff’s licensor viz. APTN; (ii) fair dealing / de minimis use. The Claimant has submitted evidence of filing a case in US which the Defendant No. 1 has forwarded to the Plaintiff. The strike is temporarily cleared by the Defendant No. 1 on the Plaintiff’s Channels and is subject to outcome of the said case. Current status: Video was removed from the platform by the Defendant No. 1 due to a copyright claim by Defendant No. 2.
9.	చైనా బెలూన్ పై అమెరికాలో ప్రకంపనలు। China Spy Balloon - TV9 (“said Video 9”)) Uploaded on 11 February 2023	(a) 1.13 Minutes / (b) 5 seconds	15 December 2023: Copyright strike issued by Defendant No. 2. 16 December 2023: Plaintiff submitted a counter notification inter alia on the ground that (i) the footage is sourced from an original video of Plaintiff’s licensor viz. APTN; (ii) fair dealing / de minimis use. The Claimant has submitted evidence of filing a case in US which the Defendant No. 1 has forwarded to the Plaintiff. The strike is temporarily cleared by the Defendant No. 1 on the Plaintiff’s Channels and is subject to outcome of the said case. Current status: Video has been deleted from the platform by the Plaintiff in good faith, without prejudice to its rights and contentions.

10.	అమెరికా, చైనా మధ్య బెలూన్ వార్ - TV9 ("said Video 10") Uploaded on 5 February 2023	(a) 3 minutes 36 seconds / (b) 3 minutes 19 seconds	15 December 2023: Copyright strike issued by Defendant No. 2. 16 December 2023: Plaintiff submitted a counter notification inter alia on the ground that (i) the footage is sourced from an original video of Plaintiff's licensor viz. APTN; (ii) fair dealing / de minimis use The Claimant has submitted evidence of filing a case in US which the Defendant No. 1 has forwarded to the Plaintiff. The strike is temporarily cleared by the Defendant No. 1 on the Plaintiff's Channels and is subject to outcome of the said case. Current status: Video has been deleted from the platform by the Plaintiff in good faith, without prejudice to its rights and contentions.
11.	Chinese Spy Balloon: స్పై బెలూన్‌ను చైనీస్ కూల్చేసిన అమెరికా -TV9 ("said Video 11") Uploaded on 5 February 2023	(a) 56 seconds / (b) 49 seconds	15 December 2023: Copyright strike issued by Defendant No. 3. 16 December 2023: Plaintiff submitted a counter notification inter alia on the ground that (i) the footage is sourced from an original video of Plaintiff's licensor viz. APTN; (ii) fair dealing / de minimis use. The Claimant has submitted evidence of filing a case in US which the Defendant No. 1 has forwarded to the Plaintiff. The strike is temporarily cleared by the Defendant No. 1 on the Plaintiff's Channels and is subject to outcome of the said case. Current status: Video has been deleted from the platform by the Plaintiff in good faith, without prejudice to its rights and contentions.

3.6. Defendant Nos. 2 to 5 alleged that the videos 1 to 11 ("**Subject Videos**") uploaded by the Plaintiff contained certain video footage of live events ("**Subject Works**") of which Defendant Nos. 2 to 5 own copyright. Defendant Nos. 2 to 5 did not furnish any proof of authorship and ownership of the Subject Works and merely provided description of the Subject Works.

3.7. Upon receiving the first Strike Notice by Defendant No. 2, the Plaintiff approached Defendant No. 2 *vide* an email dated 15.12.2023 and expressed its willingness to amicably resolve the matter. In response, on 18.12.2023, the Plaintiff received a response from one Mr. Joel B. Rothman of a law firm named SRIP Law ("**Law Firm**") in the US, purportedly acting as a counsel for Defendant No. 3. The Law Firm stated that Defendant No. 3 has instructed that all communications be directed to the Law Firm. The Law Firm further called upon the Plaintiff to provide the revenue records earned from advertising through Google AdSense Program.

3.8. The Plaintiff *vide* email dated 20.12.2023 replied to the response dated 18.12.2023 of the Law Firm and stated that while the Plaintiff sent the email dated 15.12.2023 to Defendant No. 2 the Law Firm has responded on behalf of Defendant No. 3, and sought clarification in this regard. However, the Law Firm did not clarify how it was responding to an email sent by the Plaintiff to Defendant No. 2. Considering that the Plaintiff had received Strike Notices from both Defendant Nos. 2 and 3, the Plaintiff engaged

with the Law Firm and requested for a call. The Plaintiff also sent a reminder email on 20.12.2023 to which the Law Firm replied on 20.12.2023 asking for further documents *viz.* YouTube Revenue Report and Channel Performance Report for the past year ("**Documents**"), before Defendant Nos. 2 and 3 could propose settlement.

3.9. On 20.12.2023, the Plaintiff again requested for a call. In response, the Law Firm stated that the call could happen only when the Plaintiff provides the Documents to which the Plaintiff responded stating that the Documents asked for by the Law Firm are confidential and business-sensitive and could not be provided without any basis. On 21.12.2023, the Law Firm in a communication addressed to the Plaintiff stated that the Plaintiff was making excuses and reiterated that the call could be set up only after the Documents are provided. Thereafter, the Plaintiff and the Law Firm exchanged various emails wherein the Law Firm kept reiterating its demand for the Documents.

3.10. The Plaintiff's representative tried to approach the representative of Defendant No. 4 *via* social media platform namely 'X'. In response, the Law Firm wrote to the Plaintiff stating that it was unethical on part of the Plaintiff to approach Defendant No. 4 *ex parte* and that Defendant No. 4 was also a client of the Law Firm. The Law Firm threatened the Plaintiff that if the Plaintiff does not provide the Documents requested by the Law Firm, '*this matter will go very poorly*' for the Plaintiff. The Law Firm also appears to be representing Defendant Nos. 2 to 4 and Defendant Nos. 2 to 4

appears to be acting in concert. The Plaintiff also wrote to Defendant No. 5 multiple times seeking resolution of the matter, however, no response was received from Defendant No. 5.

3.11. The tone and tenor of communications of the Law Firm purportedly acting for Defendant Nos. 2 to 4 was threatening and non-cooperative. Defendant Nos. 2 to 4 were allegedly coercing the Plaintiff to do an illegal act of forwarding the confidential business data of the Plaintiff in the form of Documents which is irrelevant to the present matter and pertains only to a very few out of the hundreds of videos uploaded by the Plaintiff. The conduct of Defendant Nos. 2 to 4 is allegedly dishonest and that Defendant Nos. 2 to 4 wants to extort unlawful monies from the Plaintiff.

3.12. As per the policy of Defendant Nos. 1 and 6 ("**YouTube Policy**") with respect to the platform YouTube, if a channel receives 3 Strike Notices, the channel is subject to termination, all videos are liable to be removed and no new channels can be created. The YouTube Policy further provides that for entities part of YouTube Partner Program, there is a courtesy period of 7 days after which the channel is automatically disabled. The YouTube Policy further provides that if the counter notification is resolved in favour of the uploader such as the Plaintiff or the claim is retracted by the claimant such as Defendant Nos. 2 to 5, then only the channel won't be impacted.

3.13. The Plaintiff also filed its counter notifications with Defendant Nos. 1 and 6 against the Strike Notices. Pursuant to the submission of counter notifications by the Plaintiff to the Strike Notices,

Defendant Nos. 1 and 6 sent an automated email stating that Defendant Nos. 2 to 5 had 10 US business days to respond by providing evidence that Defendant Nos. 2 to 5 have taken legal action against the Plaintiff. Thereafter, Defendant Nos. 1 and 6 shared evidence with the Plaintiff in respect of the proceedings which had been instituted by Defendant No. 3 in respect of its claim of copyright infringement of the Subject Works. Upon perusing the said evidence, the Plaintiff learnt that Defendant No. 3 in its personal capacity as well as purportedly acting on behalf of Defendant Nos. 2 and 4 had instituted a copyright infringement case against the Plaintiff as well as various third parties before the Northern District Court of California, the US, under the title *Viral DRM LLC v. Underknown Corp., et al*, Case Number 3:23-cv-06598-JSC, on 22.12.2023 ("**US Case**"). Defendant No. 5 has not filed any case pursuant to the submission of the counter notification by the Plaintiff.

3.14. On the first date of hearing in the present Suit, the counsel for Defendant No. 1 appeared before this Court and stated that the Contested Channels have not been removed by Defendant No. 1 and that only some of the videos have been removed by Defendant No. 1. As no one appeared on behalf of Defendant Nos. 2 to 5, this Court issued notice to Defendant Nos. 2 to 5 on the Plaintiff's application under Order XXXIX Rule 1 and 2 of the CPC in the present Suit.

3.15. The summons were duly served upon Defendant Nos. 2 to 5 by way of an email on 01.03.2024 and an affidavit of service dated

01.03.2024 was filed by the Plaintiff. However, Defendant Nos. 2 to 5 did not enter appearance before this Court. Thereafter, this Court *vide* order dated 19.03.2024, issued summons in the present Suit to Defendant Nos. 2 to 5 and listed the matter before the Joint Registrar for completion of pleadings. Accordingly, the summons in the present Suit were served upon Defendant Nos. 2 to 5 *vide* email dated 30.04.2024 and were sent through Speed Post as well on 04.05.2024. An affidavit of service dated 22.05.2024 to the said effect was filed by the Plaintiff. The present Suit was thereafter listed before the Joint Registrar of this Court on 27.05.2024, on which date again no one entered appearance on behalf of Defendant Nos. 2 to 5. In the order dated 27.05.2024, the Joint Registrar recorded that Defendant Nos. 2 to 5 are deemed to have been served.

3.16. Thereafter the present Suit was listed before this Court on 05.07.2024, and the counsel for the Plaintiff had pointed out to this Court that in a separate suit filed by a third party being CS(COMM) 953/2023 in which similar issues to those raised in the present Suit are pending adjudication before this Court, Defendant Nos. 2 to 4 are continuing to appear before this Court. Accordingly, this Court had issued notice to Mr. Saurabh Bindal, the Counsel who was appearing on behalf of Defendant Nos. 2 to 5 in CS (Comm) 953/2023. Accordingly, when the present Suit was listed before the Joint Registrar of this Court on 27.08.2024, Mr. Saurabh Bindal appeared and submitted that Defendant Nos. 2 to 5 have not provided any instructions to him to appear in the present

Suit. However, Mr. Saurabh Bindal provided a new email address of Defendant No. 2 to 5 and the Joint Registrar directed that a fresh notice be issued on the said email address. A fresh notice was issued on the said email address on 06.09.2024. However, Defendant Nos. 2 to 5 have failed to appear in the present Suit even thereafter.

3.17. The present Suit was thereafter listed before the Joint Registrar of this Court on 23.01.2025, on which date the right of Defendant Nos. 2 to 5 to file their Written Statement was closed. Thereafter the present Suit was listed before this Court on 24.03.2025, and this Court observed that Defendant Nos. 2 to 5 are not interested in defending the present proceedings and accordingly proceeded *ex parte* against Defendant Nos. 2 to 5. The Plaintiff has also recently become aware that Defendant Nos. 3 *vide* notice 15.05.2024 has voluntarily dismissed the US Case *qua* 37 channels on the platform YouTube including the Contested Channels.

3.18. This conscious non-appearance before this Court and the voluntary dismissal of the proceedings in the US Case highlights that Defendant Nos. 2 to 5 have no real or substantial defense to offer in the present Suit. The present Suit does not warrant recording of oral evidence, particularly where there is no indication of Defendant Nos. 2 to 5's intent to appear or defend their position in the present Suit. In the absence of any valid reason for the non-appearance of Defendant Nos. 2 to 5, there is no impediment to the expeditious summary disposal of the present Suit.

3.19. It is evident from the correspondence exchanged between the Parties that the Defendants have never established to the Plaintiff the copyright and / or ownership in the Subject Works, the portions of which allegedly have been used by the Plaintiff. Defendant Nos. 2 to 5 have thus without establishing their copyright proceeded to issue Strike Notices against the Subject Videos.

3.20. The nature and subject matter of the Subject Works allegedly owned by Defendant Nos. 2 to 5 in their entirety consists of facts of nature and current affairs. The Subject Works depict natural calamities and their destructive aftermath such as cyclonic storms, heavy rain and flash floods, excessive snowfall and blizzard, uprooted trees, devastated buildings and houses, cars plying and regular people walking and taking measures like snow clearing at the sites of natural weather disturbances. In other instances, the Subject Works also touch upon global security threat by showing a murky spy balloon suspected to be launched by China and an animated version of the bombardment on Gaza. A *prima facie* observation and analysis of these facts of weather and global security threat events purportedly recorded by Defendant Nos. 2 to 5 demonstrates and reveals that they are universal, nonimaginative and generic in nature, available in the public domain having been widely and commonly reported and discussed, performed and rendered in public interest and to be enjoyed by the public as a matter of right.

3.21. It is a settled law that no copyright exists in facts, ideas, news, legends, themes, plots and other such subject matter. The rationale provided by judicial precedents is that the nature and content of such works are inherently incapable of being created by or originated with the alleged author of any work as they are universal and generic, widely disseminated and available in the public domain, curtailed by the right of the public to partake information generally and critically important to their lives, and devoid of modicum of creativity on its own. Therefore, under the Indian copyright law, no person can claim such subject-matter including the facts of weather events and global security threat to be their private property and consequently the Courts have never recognized or granted copyright protection and rights of authorship over discovery and rendition of such facts and current affairs.

3.22. An analysis of the manner of expression in the Subject Works would show that the facts of weather events allegedly generated by Defendants Nos. 2 to 5 are mere raw recordings rendered in the most impassive and mechanical manner through the placement and use of cameras. The rendition of said facts is a literal and wholly unaltered reproduction of weather events as directly and ordinarily witnessed by any passerby or onlooker, without infusing a modicum of creative embellishment and expending any effort by the sweat of their brow. In capturing the natural calamities and global security threats and its consequences, the alleged recorders of the Subject Works namely Defendant Nos. 2 to 5 have not deployed any modicum of creativity that would transform the of

the Subject Works sufficient enough as seen from the perspective of any impartial and reasonable observer to satisfy and meet the lowest threshold of copyrightable work and protectable authorship under the Copyright Act, 1957 ("**Act**"). The Subject Works recorded by Defendant Nos. 2 to 5 have not transformed the weather event, as seen from the perspective of any impartial and reasonable observer.

3.23. It is a settled law that character of use and manners of expression of cinematographic films that are not transformative cannot be protected under copyright law. As per the legal principles governing the field of copyright, cinematographic films containing literal reproductions of universal and generic facts including facts of nature and current affairs which are bereft of imaginative and judicious embellishment cannot be termed transformative. Defendant Nos. 2 to 5 have not furnished any proof of ownership of the Subject Works. Therefore, no copyright subsists in the Subject Works.

3.24. A large number of people including the Plaintiff's subscribers have poor access to such information of public importance on account of being lay persons and they rely solely on news channels such as the Plaintiff's to learn and educate themselves about impending social crisis such as the perils of global security threats and climate change which personally affects their own lives and that is exerting a deleterious effect on the world at large. Hence, the intent and purpose of the Plaintiff's usage of the Subject Works was to report on matters of such crucial public interest. Such use does not

amount to copyright infringement as per section 52 (1)(a)(iii) of the Act.

3.25. The Division Bench of this Court in ***ESPN Star Sports v Global Broadcast news Ltd & Ors,*** RFA(OS) 25/2008, *inter alia*, while dealing with the question that whether use of clips from live cricket match for the purpose of news reporting was exempted from copyright infringement liability, *vide* judgment dated 26.09.2008 observed that use of footage / clippings from the cricket match for the purpose of news reporting would amount to fair dealing. Thus, the portions of the Subject Works which have been used by the Plaintiff are not capable of copyright protection and the question of any copyright infringement having been committed by the Plaintiff by using portions of the Subject Works thus does not arise.

3.26. The Plaintiff's subsequent works *viz*. the Subject Videos are substantially different from the Subject Works in its qualitative aspects as well. The anchors have supplied their fresh analysis and interpretation of events, structuring their material and marshalling their facts into a coherent form of news reporting which is completely absent from the Subject Works which are merely raw recording of live events. Even assuming that Defendant Nos. 2 to 5 own any copyright in the Subject Works, the Plaintiff has merely used minimal portions of the same fairly for reporting of facts of nature and current events and current affairs.

3.27. The Subject Videos have been transformed into structured news reporting making the Subject Videos distinct from the unstructured and passerby account rendered by Defendant Nos. 2 to 5 in the Subject Works. The Plaintiff has put in sufficient intellectual effort creating stark dissimilarities between the Subject Works and Subject Videos. On *prima facie* viewing of the Subject Videos, it will be evident that the Subject Videos consist of longer commentary and analysis and interpretation of climate change and its consequences which is followed by minimal and very short extracts of the Subject Works that are used only illustratively and as a reference in furtherance of public interest. The nature of usage of the Subject Works was to inform and educate its viewers and subscribers about the imminent danger and impact of internecine warfare and climate change on human lives and their ecological systems that is taking place globally and not just in isolated corners of the world. Such use does not amount to copyright infringement as per section 52 (1)(a)(iii) of the Act.

3.28. Reliance was placed on ***India TV Independent News Service Pvt. Ltd. vs Yashraj Films Pvt. Ltd.*** 2012 SCC Online Del 4298 to submit that the Plaintiff's minimal use of portions of the Subject Works in the Subject Videos is exempted from copyright infringement liability as per the doctrine of fair use - *de minimis non curat lex*, that such miniscule use is not actionable before a court of law, that it does not amount to copyright infringement, that no harm can ever be caused by such trivial and miniscule use of the Subject Works as the nature of usage of the Subject Works

bears no resemblance to the Subject Videos, that the intended audience and relevant market of the two works also is entirely different. Thus, no prejudice or loss can be caused to the recording operations of Defendant Nos. 2 to 5 by the news reporting of the Plaintiff that contains trivial and minimal reference to the Subject Works.

3.29. The Plaintiff has also entered into a licensing agreement with Associated Press Television News Limited, UK ("**APTN**") whereby *vide* International Licensing Agreement dated 20.10.2014 ("**APTN License**") APTN provides access to the Plaintiff to a dynamic portal wherein various videos in relation to international news and events that are uploaded and are available for download by the Plaintiff. Such videos contain unique identification numbers. The major portions of the allegedly infringing portions in the Subject Videos are taken from APTN portal and Plaintiff's own creatives and commercial advertisements and rest of the portions are taken from videos available online. Thus, there is no use whatsoever of the Subject Works. No license whatsoever is required by the Plaintiff for the usage of the portions of the Subject Works in the Subject Videos and thus the APTN License is only an additional reason which demonstrates that the acts of the Plaintiff could never amount to copyright infringement.

3.30. The Plaintiff is ready and willing to forego its claim for damages against the Defendants and accordingly is not pressing for prayers made in Prayer Paragraph Nos. 47 (iii) to 47 (viii) clauses of the Plaint. In light of the statement of Defendant No. 1 that Defendant

No. 1 has no role to play in respect of the merits of the dispute relating to copyright infringement, the Plaintiff is not pressing for reliefs against Defendant Nos. 1 and 6.

3.31. Therefore, there is no compelling reason why the present Suit should not be disposed of and why the prayers made in the Prayer Paragraph Nos. 47 (i) and 47 (ii) of the Plaint *qua* Defendant Nos. 2 to 5 namely (i) A decree and order against Defendant Nos. 2 to 5, their directors, partners, employees, associates, affiliates, assignees and / or any other person claiming through them, restraining them from issuing any groundless threat to the Plaintiff alleging copyright infringement in respect of the Subject Videos; and (ii) A decree and order of declaration that the Subject Videos and the usage of the Subject Works do not amount to copyright infringement of the Subject Works, should not be granted summarily before recording of oral evidence particularly in view of the fact that Defendant Nos. 2 to 5 have chosen not to appear before this Court. The issues in the present Suit can be determined as a matter of law based on the documentary evidence already filed, including the Plaintiff's counter-notifications, the APTN License, and the Plaintiff's correspondence with Defendant Nos. 2 to 5 and that no further oral testimony is required to resolve the matter in the present Suit.

SUBMISSIONS ON BEHALF OF DEFENDANT No. 1:

4. The learned Counsel for Defendant No. 1 submitted that the copyright claims made by Defendant Nos. 2 to 5 with respect to the Subject Videos and the disputed questions of copyright infringement / non-infringement are

solely a matter of dispute between the Plaintiff and Defendant Nos. 2 to 5, and that Defendant No. 1 is merely an intermediary and not in a position to adjudicate contested issues of copyright infringement as raised in the present Suit, to be determined by competent courts.

SUBMISSIONS ON BEHALF OF DEFENDANT NOS. 2 TO 5:

5. Defendant Nos. 2 to 5 have not filed the Written Statement in the present Suit and / or the reply to the present Application and accordingly have not made any submissions in the present Suit and the Application.

ANALYSIS AND FINDINGS:

6. Order XIIIA of CPC as amended by the CC Act empowers the Court to grant a summary judgment against a defendant where on an application filed in that regard, the Court considers that the defendant has no real prospect of successfully defending a claim, and there is no other compelling reason why the claim should not be disposed of before recording of oral evidence.

7. In the present case, the record reflects that summons in the present Suit were initially served upon Defendant Nos. 2 to 5 *vide* email dated 01.03.2024. Despite such service, Defendant Nos. 2 to 5 failed to enter appearance before this Court. Consequently, *vide* order dated 19.03.2024, this Court directed issuance of summons afresh to Defendant Nos. 2 to 5 and listed the matter before the Joint Registrar for completion of pleadings. Pursuant thereto, summons were again served upon Defendant Nos. 2 to 5 *vide* email dated 30.04.2024 and were additionally dispatched through Speed Post on 04.05.2024. The present Suit was thereafter listed before the learned Joint Registrar on 27.05.2024. On the said date as well, Defendant Nos. 2 to 5 failed to enter appearance. Accordingly, *vide* order dated 27.05.2024, the

Joint Registrar recorded that Defendant Nos. 2 to 5 stood deemed to have been served. It is further borne out from the record that, upon the counsel appearing for Defendant Nos. 2 to 4 in one suit being CS (Comm) 953/2023 pending before this Court, furnishing a new email address of Defendant Nos. 2 to 5, notice was again issued to the said email address on 06.09.2024. Even thereafter, Defendant Nos. 2 to 5 failed to enter appearance in the present Suit. In these circumstances, and in view of repeated service of summons and continued non-appearance, the right of Defendant Nos. 2 to 5 to file the Written Statement was closed *vide* order dated 23.01.2025. Subsequently, *vide* order dated 24.03.2025, this Court observed that Defendant Nos. 2 to 5 were not interested in defending the present Suit and proceeded *ex parte* against Defendant Nos. 2 to 5. Accordingly, all the averments made in the Plaint have to be taken to be admitted. Further, since no affidavit of Admission / Denial has been filed on behalf of the Defendant Nos. 2 to 5 in respect of the documents filed with the Plaint, in terms of Rule 3 of the Delhi High Court (Original Side) Rules, 2018, the same are deemed to have been admitted.

8. In order to decide the present Application, it is required to consider, *firstly*, whether the Plaintiff is entitled to a declaration that the Subject Videos and the usage of the Subject Works do not amount to copyright infringement of the Subject Works and, *secondly*, whether the Plaintiff is entitled to a decree and order restraining Defendant Nos. 2 to 5, their directors, partners, employees, associates, affiliates, assignees and / or any other person claiming through them from allegedly issuing any groundless threat to the Plaintiff alleging copyright infringement in respect of the Subject Videos.

9. Insofar as the declaration sought by the Plaintiff that the Subject Videos and the use of the Subject Works do not constitute copyright infringement of the Subject Works is concerned, the Plaintiff has primarily contended that:

a) no copyright subsists in the Subject Works as they depict natural events and current affairs;
b) the usage of the Subject Works in the Subject Videos is protected under Section 52(1)(a)(iii) of the Act as 'fair use';
c) the portions used are *de minimis*; and
d) substantial portions of the footage were sourced from APTN under a licensing arrangement.

10. While unauthorized exploitation of a cinematograph film would ordinarily amount to infringement, what is on record is limited use of the Subject Works within the Subject Videos, claimed to be 'fair use' in terms of Section 52(1)(a)(iii) of the Act for the purpose of reporting of current events and current affairs. In these circumstances, and on the basis of the material placed on record, the Court has to assess the entitlement of the Plaintiff to the declaratory relief that the Subject Videos and the use of the Subject Works do not amount to copyright infringement of the Subject Works in light of the statutory framework and the uncontroverted factual position emerging from the record. In view of the submissions made on behalf of the Plaintiff, it is also necessary to examine whether the Plaintiff's use of the Subject Works in the Subject Videos falls within the doctrine of *de minimis non curat lex*, as recognized in copyright jurisprudence.

11. The Section 52(1)(a)(iii) of the Act provides that a fair dealing with a work while reporting current event or a current affair does not constitute an infringement of copyright. The Courts in ascertaining whether extracts taken from copyrighted work have been put to fair use, have considered the extent and the length of the extracts as a relevant factor and have also held that the long extracts followed by short comments may in certain circumstances be unfair, while short extracts followed by long comments may be fair. However, the Courts have also observed that it is impossible to define what is 'fair dealing' and that it is a question of fact and degree of impression.

12. In the present case, the material placed on record, including the tabulated particulars of the Subject Videos, shows that portions of the Subject Works have been used for limited durations within the overall content of the Subject Videos. The table indicates that the extracts from the Subject Works are brief and segmented, and are embedded within the larger narrative and commentary forming part of the Subject Videos. The use is not shown to be a standalone broadcast or independent commercial exploitation of the Subject Works, but forms part of a composite programme contained in the Subject Videos.

13. A perusal of the tabulated particulars further illustrates that the portions of the Subject Works claimed in each of the Subject Videos in comparison to the total duration of the Subject Videos. In several instances, the portions of the Subject Works amount to mere seconds out of Subject Videos running several minutes in length. It is also the case of the Plaintiff that major portions of the of the Subject Works in the Subject Videos are taken from APTN portal under the APTL License. This assertion assumes relevance inasmuch as the Plaintiff's use of such portions of the Subject

Works would be traceable to APTL License, claimed to be a lawful source. In the absence of any Written Statement or material to the contrary from Defendant Nos. 2 to 5 disputing the existence or scope of the APTN License or the major portions of the Subject Works in the Subject Videos being taken from APTN portal, the said averment remains uncontroverted and is deemed to be admitted by Defendant Nos. 2 to 5.

14. This Court in ***India TV*** (*supra*) emphasized that the doctrine of *de minimis* serves to filter out claims where the extent of copying is trivial and the copying which had been done had caused no demonstrable harm to the right of the copyright owner. In view of the limited duration of the Subject Works used in the Subject Videos, the context of news reporting, and no demonstrated harm to the right of the alleged copyright owner namely Defendant Nos. 2 to 5, this Court is of the considered opinion that the Subject Videos would fall within the doctrine of fair use and *de minimis non curat lex* and that the use of the Subject Works by the Plaintiff in the Subject Videos does not constitute infringement.

15. The next question for consideration is that the Plaintiff's prayer for protection against groundless threats of copyright infringement. The Plaintiff's prayer for a decree and order restraining Defendant Nos. 2 to 5, and / or any other person claiming through Defendant Nos. 2 to 5 from issuing any groundless threat to the Plaintiff alleging copyright infringement in respect of the Subject Videos is premised on Section 60 of the Act which reads as under:

> *"60. Remedy in the case of groundless threat of legal proceedings.—Where any person claiming to be the owner of copyright in any work, by circulars, advertisements or otherwise, threatens any other person with any legal proceedings or liability in*

respect of an alleged infringement of the copyright, any person aggrieved thereby may, notwithstanding anything contained [in Section 34 of the Specific Relief Act, 1963 (47 of 1963),] institute a declaratory suit that the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats and may in any such suit—

(a) obtain an injunction against the continuance of such threats; and

(b) recover such damages, if any, as he has sustained by reason of such threats:

Provided that this section shall not apply if the person making such threats, with due diligence, commences and prosecutes an action for infringement of the copyright claimed by him."

16. Section 60 of the Act confers a statutory remedy where a person, is threatened with any alleged infringement of copyright and if, in fact, the actions of the person threatened do not constitute any infringement of the legal rights of the person who makes such threats, he can file a declaratory suit under Section 60 of the Act.

17. In the present case, as has been observed earlier, the Plaintiff has placed on record the particulars of the Subject Videos and the manner in which portions of the Subject Works have been used therein. The tabulated details reflect that the portions of the Subject Works are of limited and segmented duration, forming part of a larger narrative and commentary contained in the Subject Videos. The use of Subject Works is embedded within the overall programme content of the Subject Videos and is not shown to be a standalone broadcast or independent commercial exploitation of the Subject Works. The averments in the Plaint specifically plead that major portions of the of the Subject Works in the Subject Videos are taken from APTN portal under the APTL License. These averments have not been controverted by Defendant Nos. 2 to 5, who have chosen not to enter

appearance in the present Suit. In the absence of any rebuttal, and having regard to the material placed on record, the Plaintiff has *prima facie* demonstrated that the Subject Videos do not constitute infringement of the Subject Works.

18. In these circumstances, the Plaintiff has demonstrated that the threats issued by Defendant Nos. 2 to 5 alleging infringement of copyright in respect of the Subject Videos is not, in fact, an infringement of any legal rights of Defendant Nos. 2 to 5.

19. However, even where a plaintiff in a suit under Section 60 of the Act demonstrates that the alleged infringement to which the threats relate is not, in fact, an infringement of any legal right of the person making such threats, the Court must still consider whether the condition stipulated in the proviso to Section 60 of the Act is attracted. The proviso to Section 60 of the Act provides that Section 60 of the Act shall not apply if the person making such threat, with due diligence, commences and prosecutes an action for infringement of the copyright claimed by him. The Bombay High Court in ***Manya Vejju @ MV Kasi vs Sapna Bhog*, Neutral Citation: 2023:BHC-AS:37466** observed that the crucial phrases in the proviso to Section 60 of the Act are '*with due diligence*' and '*commences and prosecutes an action for infringement*'. The phrase '*due diligence*' connotes that the action is initiated in good faith and with such care, caution and foresight as the circumstances of the particular case demand and the phrase '*commences and prosecute*s' indicates that threat of action ought not to be an empty rhetoric, but prosecution of the cause in the right earnest. If these conditions are satisfied, the action cannot be termed as groundless and, therefore, the main part of Section 60 of the Act providing a remedy in case of groundless threat

of legal proceedings ceases to operate. The expression '*obtain an injunction against the continuance of such threats*' appearing in Section 60 of the Act further indicates that the Court is empowered not merely to examine past conduct but to restrain the repetition or persistence of such threats.

20. The Bombay High Court in ***Manya Vejju*** further observed that the word '*action*' is governed by the expression '*commences and prosecutes... for infringement of copyright*' and that the language employed in Section 60 of the Act warrants that a proceeding as envisaged in Section 60 of the Act must be a meaningful one and prosecuted with due diligence and that such proceeding ought to be capable of affording resolution of the disputes between the parties on the aspect of the infringement of the copyright, effectively and completely. Thus, a proceeding which may not afford the adjudication and resolution of the dispute over the alleged infringement of the copyright, would not constitute an '*action*' contemplated by the proviso to Section 60 of the Act.

21. In the present case, Defendant Nos. 2 to 5 issued Strike Notices in December 2023 in respect of the Subject Videos uploaded by the Plaintiff on the Contested Channels, alleging that the Subject Videos infringed copyright in the Subject Works, allegedly owned by Defendant Nos. 2 to 5. Upon submission of counter notifications by the Plaintiff to the Strike Notices in accordance with the YouTube Policy, Defendant No. 3 instituted the US Case alleging infringement of the Subject Works. Evidence of the proceeding in the US Case was furnished to Defendant No. 1 pursuant to the counter notification mechanism. It is evident from the material placed on record that the US Case was subsequently voluntarily dismissed *qua* the Contested Channels *vide* notice dated 15.05.2024 and was not pursued to

adjudication *qua* the Contested Channels. Though it is submitted by the the Plaintiff that the Plaintiff learnt that Defendant No. 3 in its personal capacity as well as purportedly acting on behalf of Defendant Nos. 2 and 4 had instituted the US Case, the cause title of the US Case as reflected in the voluntary dismissal notice dated 15.05.2024 and the order dated 17.03.2025 passed in the US Case shows that the only plaintiff in those proceedings was Defendant No. 3 in the present Suit and insofar as Defendant No. 5 is concerned, no proceeding are evidently shown to have been instituted against the Plaintiff pursuant to the counter notification issued in respect of the Subject Videos by the Plaintiff.

22. In these circumstances, the earlier institution of the US Case cannot be regarded as commencement and prosecution of '*an action for infringement of the copyright claimed*' within the meaning of the proviso to Section 60 of the Act, since the US Case neither resulted in, nor were capable of resulting in, any determination of the alleged claims of copyright infringement of the Subject Works, as the same having been voluntarily dismissed by Defendant No. 3 *qua* the Contested Channels *vide* notice dated 15.05.2024.

23. Needless to say, the statutory language employed in the proviso to Section 60 of the Act is of significance. The legislature has not used the word 'commences' *simpliciter*, but has consciously employed the expression '*commences and prosecutes*'. The use of the conjunctive is deliberate and indicative of legislative intent that the *action* must not only be initiated but must also be carried forward in a manner that permits adjudication of the controversy. Bryan A. Garner ed., Black's Law Dictionary (8th ed. Thomson West 2004) also defines the word 'prosecute' as 'to commence and carry out

a legal action' and defines 'voluntary dismissal' as 'a plaintiff's dismissal of a lawsuit at the plaintiff's own request or by stipulation of all the parties.' A voluntary dismissal, by its very nature, brings the proceedings to an end at the instance of the plaintiff, without any adjudication on merits. It does not result in determination of rights, or culminate in a judicial finding on the alleged infringement. In the present case, the US Case having been voluntarily dismissed by Defendant No. 3 *qua* the Contested Channels, the action being never prosecuted to adjudication, results in the consequence that, as on date, on the basis of the material placed on record, there exists no subsisting suit filed by Defendant No. 3 or an action wherein the alleged copyright claims of Defendant No. 3 are being examined or determined.

24. Therefore, in the present case, commencement of '*an action for infringement of the copyright claimed…*' and its voluntary dismissal by Defendant No. 3 cannot be construed as a bar to granting relief to the Plaintiff under Section 60 of the Act merely because '*an action for infringement of the copyright claimed…*' was once filed even though voluntarily dismissed without any determination on merits.

25. As regards Defendant Nos. 2, 4 and 5, the material placed on record reflects that Defendant Nos. 2, 4 and 5 have issued Strike Notices in respect of the Subject Videos uploaded by the Plaintiff on the Contested Channels, alleging that the Subject Videos incorporate footage forming part of the Subject Works, in which Defendant Nos. 2 to 5 allegedly claim to own copyright.

26. The material placed on record shows that after issuance of Strike Notices in respect of the Subject Videos alleging infringement of the Subject

Works, Defendant Nos. 2 and 3, acting through the Law Firm, required the Plaintiff to furnish the Documents as a precondition to any discussion.

27. After the requests made by the Plaintiff for a call to explore resolution, the Law Firm stated that no discussion would take place unless the Documents were first disclosed. Upon the Plaintiff declining to furnish the Documents, the Law Firm conveyed that failing compliance, '*the matter will go very poorly*' for the Plaintiff.

28. In this factual backdrop, the alleged conduct of Defendant Nos. 2 to 5 in question requires examination under Section 60 of the Act. To reiterate, Section 60 of the Act is attracted where threats of legal proceedings or liability in respect of an alleged infringement of copyright are made. The proviso to Section 60 of the Act stipulates that the remedy under Section 60 of the Act shall cease to apply if the person making such threats commences and prosecutes an action for infringement of the copyright claimed. The material placed on record does not disclose commencement and prosecution of an action for infringement of the copyright claimed by Defendant Nos. 2, 4 and 5. The issuance of Strike Notices, accompanied by demands for the Documents coupled with communications indicating adverse consequences in the event of non-compliance, cannot be construed as commencement and prosecution of an action for infringement of the copyright claimed in the Subject Works.

29. As per the YouTube Policy, Strike Notices are not capable of affording resolution of the disputes between the Parties on the aspect of the infringement of the copyright. Defendant No. 1 in its written statement filed in the present Suit has submitted that, a user receives a strike notice, which

acts as a warning. The user then can seek to resolve the strike in three ways, which are:

(i) the strike expires after 90 days; or

(ii) the user submits a counter-notification; or

(iii) the claim of copyright is retracted.

30. If the user submits a counter-notification which is the case in the present Suit, it is forwarded to the claimant, if it meets all legal requirements and explains the user's right to use the content. The claimant then has 10 business days to reply to the counter-notification and respond with evidence that the claimant has taken legal action to keep the content from being restored to YouTube. While the issue of copyright infringement is adjudicated by a competent court, the concerned strikes on the channel stand resolved upon receipt and review of the evidence of legal proceedings, and the concerned competent Court determines whether or not the content at issue infringes copyright.

31. In the present case, pursuant to the submission of counter notifications by the Plaintiff, Defendant Nos. 1 and 6 sent an automated email stating that Defendant Nos. 2 to 5 would have 10 US business days to respond by providing evidence that Defendant Nos. 2 to 5 have taken legal action against the Plaintiff. A strike notice, as explained by Defendant No. 1, is an intermediary-driven compliance process and does not, by itself, amount to recourse before a competent court of law. Therefore, *qua* Defendant Nos. 2, 4 and 5, who evidently have not instituted any action affording resolution of the disputes between the Parties on the aspect of the infringement of the copyright in the Subject Works before a competent court despite the Plaintiff having submitted counter-notifications, the issuance of Strike Notices to the

Plaintiff, coupled with the absence of '*any action*' as envisaged under Section 60 of the Act, renders the threats actionable within the meaning of Section 60 of the Act.

32. Defendant Nos. 2, 4 and 5 have chosen not to enter appearance in the present Suit and have not controverted the averments made by the Plaintiff. In the present case, since the US Case, once filed and voluntarily dismissed by Defendant No. 3 *qua* the Contested Channels *vide* notice dated 15.05.2024, cannot be regarded as the action envisaged under the proviso to Section 60 of the Act, Defendant No. 3 stands on no different footing than Defendant Nos. 2, 4 and 5. The Plaintiff has, thus, made out grounds for restraining Defendant Nos. 2 to 5 and / or any other person claiming through Defendant Nos. 2 to 5 from issuing groundless threats of copyright infringement.

33. Accordingly, Defendant Nos. 2 to 5, their directors, partners, employees, associates, affiliates, assignees and / or any other person claiming through Defendant Nos. 2 to 5, are restrained from issuing any groundless threats to the Plaintiff alleging copyright infringement in respect of the Subject Videos. It is further declared that the Subject Videos and the usage of the Subject Works therein do not constitute copyright infringement of the Subject Works.

34. Accordingly, the present Application is allowed and, consequently, Suit stands decreed against Defendant Nos. 2 to 5 and in favour of the Plaintiff in terms of Prayer Paragraph Nos. 47(i) and 47(ii) of the Plaint. Since no relief is claimed against Defendant Nos. 1 and 6, and the Plaintiff is not pressing the remaining prayers including for grant of damages against all the Defendants, the Suit is disposed of with the above directions. Pending

applications, if any, also stand disposed of. Let the Decree Sheet be drawn up accordingly.

TEJAS KARIA, J

FEBRUARY 28, 2026
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