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

+ **CS(COMM) 553/2023 and I.A. 15141/2023-15149/2023**

PRAFUL BILLORE & ANR.

..... Plaintiffs

Through:

Mr. Sunil Dalal, Senior Advocate
with Mr. Prateek Singh, Mr. Shah
Rukh Ahmed, Mr. Vikram Singh, Ms.
Manisha Saroha, Mr. Nikhil Beniwal,
Mr. Mahabir Singh and Mr. Navish
Bhati, Advs.

versus

BAEROJGAR & ORS.

..... Defendants

Through:

Mr. Aditya Gupta & Mr. Sauhard
Alung, Advs. for D-10. (M:
9425341404)
Mr. Ravi Prakash, CGSC for MeitY.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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18.08.2023

1. This hearing has been done through hybrid mode.

I.A. 15145/2023 (for exemption)

2. This is an application seeking exemption from filing originals/certified/cleared/typed or translated copies of documents, left side margins, electronic documents, etc. Original documents shall be produced/filed at the time of admission/denial, if sought, strictly as per the provisions of the Commercial Courts Act and the DHC (Original Side) Rules, 2018.

3. Exemption is allowed, subject to all just exceptions.

4. Accordingly, the application is disposed of.



I.A. 15143/2023 (for additional documents)

5. This is an application seeking leave to file additional documents under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (hereinafter, 'Commercial Courts Act'). The Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act and the DHC (Original Side) Rules, 2018.

6. Application is disposed of.

I.A. 15147/2023 (u/S 12A of the Commercial Courts Act)

7. This is an application seeking exemption instituting pre-litigation mediation. In view of the fact that urgent orders are sought and in view of the decision in *Chandra Kishore Chaurasia v. R A Perfumery Works Private Ltd, 2022/DHC/004454*, the application is allowed and disposed of.

I.A. 15144/2023 (exemption from advance service to the MeitY)

8. In view of the fact that the Plaintiff has sought *ex parte ad-interim* injunction, exemption from advance service to the MeitY is granted.

9. Application is disposed of.

I.A.15146/2023 (for court fees)

10. Let the Court fee be deposited, and the challan be produced before the Registry within one week.

11. Application is disposed of.

I.A.15148/2023

12. This is an application seeking permission to file certain documents and videos in a CD/PEN drive. The request is allowed. Let the files relied upon be filed in a pen drive. The same be also loaded along with the electronic file for perusal by the Court. Application is disposed of.



CS (COMM) 553/2023, I.A.15141/2023 (for stay), 15142/2023 (for interrogatories) & 15149/2023

13. Let the plaint be registered as a suit.

14. Issue summons in the suit and notice in these applications to the Defendants through all modes upon filing of Process Fee.

15. The Plaintiffs i.e. Plaintiff No. 1-Praful Billore and Plaintiff No. 2-MBA Chai Wala Pvt. Ltd. have filed the present suit for permanent injunction seeking protection of the Plaintiffs' reputation in its trademark, business, personality rights, etc.

16. The case of the Plaintiff No.1 is that he is the founder and director of the Plaintiff No.2. – '*MBA CHAI WALA PVT. LTD*'. Plaintiff No.1 claims to be a well-known face and a famous celebrity, who has set up the stores under the brand name and logo '*MBA CHAI WALA*'. The said stores were set up in the last three years, and the Plaintiffs claim to have expanded their stores and business to more than 100 franchisees all over India, including 10 franchisees in Delhi.

17. According to the Plaintiffs, they have achieved a turnover of more than Rs.12 crores in the past three years. The grievance of the Plaintiffs against the Defendants is that the Defendant Nos.1 to 9 are YouTube channels run by various unknown persons, wherein various defamatory and slanderous statements have been made against the Plaintiffs, without any basis whatsoever. The details of the Defendants are tabulated as follows:

<i>Defendant</i>	<i>Details of the Defendants, their YouTube channel and the email address.</i>
<i>Defendant No. 1</i>	<i>Baerojgar YouTube Channel: https://www.youtube.com/@Baerojgarr Email: Veer@creatorsmela.com</i>



<i>Defendant No. 2</i>	<i>Thugesh, YouTube Channel accessible at https://www.youtube.com/@Thugesh Email: officialthugesh@gmail.com</i>
<i>Defendant No. 3</i>	<i>Dhiru Monchikk YouTube Channel accessible at https://www.youtube.com/@DhiruMonchikk Email: work.dhirumonchik@gmail.com.</i>
<i>Defendant No. 4</i>	<i>EST Entertainment YouTube Channel accessible at https://www.youtube.com/@ESTEntertainment Email: shubhest77@gmail.com</i>
<i>Defendant No. 5</i>	<i>theadityasaini YouTube Channel accessible at https://www.youtube.com/@theadityasaini Email: collabwithadityasaini@gmail.com</i>
<i>Defendant No. 6</i>	<i>Kdlife YouTube Channel accessible at https://www.youtube.com/@kdlife Email: Contact@kdlife.in</i>
<i>Defendant No. 7</i>	<i>Saloni Singh YouTube Channel accessible at https://www.youtube.com/@salonisingh07 Email: saloniyaapafs@gmail.com</i>
<i>Defendant No. 8</i>	<i>Koko Roast YouTube Channel accessible at https://www.youtube.com/@kokoroast Email: contacttyro7@gmail.com</i>
<i>Defendant No. 9</i>	<i>Duhan YouTube Channel accessible at https://www.youtube.com/@DuhanVikas Email: admin@timesyug.com</i>

18. It is averred that these Defendants have launched a campaign to malign and bring disrepute to the Plaintiffs. The Plaintiffs' case is that highly derogatory remarks, calling the Plaintiffs' as a 'scam', 'fraud' etc.,



are being used and thus, an urgent injunction is sought against the Defendants. On behalf of Google LLC, Mr. Gupta, Id. Counsel enters appearance.

19. Considering the nature of the matter, let the Registry issue notice to these Defendants on email in the first stage.

20. The question that arises is whether these videos, published and uploaded by the Defendants on YouTube are defamatory, derogatory and tarnish the reputation of the Plaintiffs.

21. The Defendants to enter appearance on the next date of hearing, when the interim relief application shall be considered.

22. In addition, let a copy of this suit be also served upon Mr. Ravi Prakash, Id. CGSC, who has been requested to accept notice on behalf of MeitY.

23. By the next date of hearing, the Plaintiffs shall place on record the impugned YouTube videos by way of a pen drive. Transcripts of the impugned YouTube videos may also be placed on record, highlighting the alleged derogatory remarks.

24. In the meantime, Google LLC shall provide the Plaintiffs with the BSI details of the individuals running these YouTube channels, apart from the email-addresses, if any.

25. List on 28th August, 2023.

PRATHIBA M. SINGH, J.

AUGUST 18, 2023/dk/dn