Case Citation: (2026) ibclaw.in 6478 HC

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

\# **CNR No. DLHC010074222022**

\+ **CS(COMM) 116/2022 & I.A. 2717/2022**

Date of Decision: **07.10.2026**

IN THE MATTER OF:

UNIVERSAL CITY STUDIOS LLC. & ORS. .....Plaintiffs

Through: Mr. Raghav Goyal, Adv.

versus

123MOVIESHUB.TC & ORS. .....Defendants

Through: Mr. Rakesh Kumar, SPC for UoI.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. On 04.05.2026, learned counsel for the plaintiffs had sought and was granted four weeks time to file an appropriate application seeking summary judgment against the defendants. No such application has been filed. Learned counsel, however, submits that the suit is ripe for final adjudication on the basis of the pleadings and the documents on record, and that the plaintiffs need not be relegated to the stage of recording oral evidence in view of the consistent approach adopted by this Court in a number of suits

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filed by some of the plaintiffs themselves against similarly placed rogue websites, including *Warner Bros. Entertainment Inc. v. https://tamilrockers.ws & Ors.*, CS(COMM) 369/2019.

2. Two questions, therefore, arise for consideration: ***firstly***, whether this Court can pass a summary judgment in the absence of an application under Order XIIIA of the Code of Civil Procedure, 1908 [CPC]; and ***secondly***, whether, in the facts of the present case, the plaintiffs are required to lead oral evidence before the suit can be decreed.

3. The present suit has been instituted by six plaintiffs, namely, Universal City Studios LLC. (plaintiff no. 1), Warner Bros. Entertainment Inc. (plaintiff no. 2), Columbia Pictures Industries, Inc. (plaintiff no. 3), Netflix Studios, LLC (plaintiff no. 4), Paramount Pictures Corporation (plaintiff no. 5) and Disney Enterprises, Inc. (plaintiff no. 6). They are companies incorporated in the United States of America and are engaged in the creation, production and distribution of motion pictures and other audio-visual content. The suit has been instituted through Mr. Vishal Ahuja, the authorised signatory of each of the plaintiffs, under Special Powers of Attorney dated 21.05.2019.

4. It is the case of the plaintiffs that their films are '*cinematograph films'* within the meaning of Section 2(f) of the Copyright Act, 1957 (the Act), that they are entitled to protection in India by virtue of Sections 5, 13 and 40 of the Act, and that the plaintiffs are the authors, first owners or owners of copyright in such works under Section 17 of the Act. They, therefore, claim the exclusive rights enumerated in Section 14(d) of the Act, including the right to make a copy of the film and to communicate it to the public. An illustrative list of the works is given in paragraph 16 of the plaint, which

includes, among others, *Straight Outta Compton*, *Aquaman*, *Wonder Woman*, *Friends*, *Miracles from Heaven*, *Stranger Things*, *Transformers: Age of Extinction*, *Mulan* and *Finding Dory*.

5. Defendant nos. 1 to 34 are websites which, according to the plaintiffs, host, stream and make available the plaintiffs' works for viewing and download, free of cost and without any licence. Several of them operate through more than one domain; for instance, defendant no. 1 operates through ten domains and defendant no. 2 through 5 domains under the names '123movies' 'putlocker ', respectively. Defendant nos. 35 to 43 are Internet Service Providers (ISPs), defendant no. 44 is the Department of Telecommunications (DoT) and defendant no. 45 is the Ministry of Electronics and Information Technology (MeitY). Defendant no. 46 has been arrayed as 'Ashok Kumar' to cover unknown domains and website operators that may be discovered during the proceedings.

LIST OF WEBSITES

S.No.	DomainName	URL	IP Address
	DefendantNo.1		
1.	123movieshub.tc	https://ww5.123movieshub.tc	172.64.206.23
			172.64.207.23
2.	123moviesfree4u.com	https://www4.123moviesfree4u.com	172.67.166.56
			104.21.82.249
3.	0123movie.ru	https://0123movie.ru	162.159.137.85
			162.159.138.85
4.	123movieshindi.net	https://123movieshindi.net	104.21.48.56
			172.67.178.208

5.	123movieshindi.com	http://123movieshindi.com	172.67.168.166
			104.21.94.199
6.	1-23movies.cc	https://w1.1-23movies.cc	104.21.13.82
			172.67.198.212
7.	123tv.movie	https://123tv.movie	172.67.214.2
			104.21.93.188
8.	123moviesh.to	https://123moviesh.to	104.21.70.96
			172.67.222.123
9.	123movie.sh	https://ww33.123movie.sh	172.67.154.37
			104.21.4.147
10.	w-123movies.club	http://w-123movies.club	104.21.69.100
			172.67.207.102
	DefendantNo.2		
11.	putlocker-website.com	http://putlocker-website.com	162.159.137.85
			162.159.138.85
12.	putlockernew.site	https://ww2.putlockernew.site	104.31.16.8
			104.31.16.121
13.	putlocker.ps	https://putlocker.ps	162.159.137.85
			162.159.138.85
14.	putlockers.llc	https://putlockers.llc	104.21.90.142
			172.67.157.191
15.	putlocker.gg	https://putlocker.gg	172.67.189.149
			104.21.89.155
	DefendantNo.3		
16.	0gomovies.ws	https://0gomovies.ws	172.67.210.93
			104.21.69.164

17.	poppygreens.com	https://poppygreens.com	172.67.167.169
			104.21.42.228
	DefendantNo.4		
18.	1movieshd.com	https://1movieshd.com	104.21.54.127
			172.67.138.179
	DefendantNo.5		
19.	2gomovies.ws	https://2gomovies.ws	194.145.208.168
	DefendantNo.6		
20.	2kmovie.cc	https://2kmovie.cc	162.159.137.85
			162.159.138.85
	DefendantNo.7		
21.	4filmyzilla.bar	https://ww2.4filmyzilla.bar	104.21.49.197
			172.67.166.204
	DefendantNo.8		
22.	bolly2tolly.eu	https://www.bolly2tolly.eu	172.67.223.114
			104.21.91.151
23.	oyomovies.com	http://oyomovies.com	104.21.21.10
			172.67.195.168
24.	bolly2tolly.net	https://www.bolly2tolly.net	104.21.29.70

			172.67.148.145
	DefendantNo.9		
25.	fboxtv.com	https://fboxtv.com	162.159.137.85
			162.159.138.85
	DefendantNo.10		
26.	filmyhit.pink	https://filmyhit.pink	104.21.51.33
			172.67.220.10
27.	filmyhit.media	https://filmyhit.media	104.21.63.32
			172.67.142.173
28.	filmy.link	http://filmy.link	172.67.214.20
			104.21.42.249
	DefendantNo.11		
29.	flixhq.tv	https://flixhq.tv	172.67.164.103
			104.21.50.169
	DefendantNo.12		
30.	fmovies.style	https://fmovies.style	172.67.193.95
			104.21.76.110
	DefendantNo.13		
31.	freemoviesfull.com	https://www1.freemoviesfull.com	162.159.137.85
			162.159.138.

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	DefendantNo.14		
32.	gomoviefree.sc	https://gomoviefree.sc	172.67.178.94
			104.21.91.192
	DefendantNo.15		
33.	goojara.to	https://www.goojara.to	172.67.143.39
			104.21.46.235
	DefendantNo.16		
34.	hdtoday.tv	https://hdtoday.tv	172.67.151.107
			104.21.88.167
	DefendantNo.17		
35.	jexmovie.com	https://jexmovie.com	172.67.191.63
			104.21.33.184
	DefendantNo.18		
36.	kdramahood.com	https://kdramahood.com	162.159.137.85
			162.159.138.85
	DefendantNo.19		
37.	moviecrumbs.net	https://www.moviecrumbs.net	104.21.23.223
			172.67.213.248
	DefendantNo.20		
38.	moviesyify.online	https://moviesyify.online	104.21.41.62
			172.67.189.122

	DefendantNo.21		
39.	openloadflix.com	http://openloadflix.com	172.67.154.80
			104.21.64.186
	DefendantNo.22		
40.	openloadmov.net	https://openloadmov.net	104.21.72.7
			172.67.218.89
			104.21.24.111
	DefendantNo.23		
41.	pagalmovies.digital	https://www.pagalmovies.digital	172.67.190.54
			104.21.10.138
42.	pagalmovies.today	https://www.pagalmovies.today	172.67.196.29
			104.21.76.144
43.	pagalmovies.art	http://pagalmovies.art	104.21.37.94
			172.67.206.218
	DefendantNo.24		
44.	playdesi.net	https://playdesi.net	104.21.96.100
			172.67.176.147
45.	playdesi.tv	https://playdesi.tv	104.21.28.9
			172.67.170.34
	DefendantNo.25		
46.	seriestv.watch	https://seriestv.watch	162.159.137.85

			162.159.138.85
	DefendantNo.26		
47.	spacemov.site	https://spacemov.site	104.21.10.30
			172.67.189.223
48.	spacemov.ws	http://spacemov.ws	104.31.16.6
			104.31.16.123
	DefendantNo.27		
49.	tvshows88.com	https://tvshows88.com	162.159.137.85
			162.159.138.85
	DefendantNo.28		
50.	watchfilm.net	https://ww11.watchfilm.net	162.159.137.85
			162.159.138.85
	DefendantNo.29		
51.	watchmovieshd.ru	https://watchmovieshd.ru	162.159.137.85
			162.159.138.85
	DefendantNo.30		
52.	watchseries.ma	https://watchseries.ma	104.21.5.100
			172.67.154.116
	DefendantNo.31		
53.	watchserieshd.stream	https://watchserieshd.stream	172.67.162.131
			104.21.42.144

	DefendantNo.32		
54.	Watchseriesstream .com	https://watchseriesstream.com	104.21.65.175
			104.21.64.186
	DefendantNo.33		
55.	watchtheoffice.cc	https://watchtheoffice.cc	172.67.194.20
			104.21.20.189
	DefendantNo.34		
56.	xemovie.com	https://xemovie.com	172.64.130.9
			172.64.131.9

6. The plaintiffs have sought the following reliefs:

"i. Issue an order and decree of permanent injunction restraining the Defendant Nos. 1-34 (and any such other mirror/redirect/alphanumeric website which appears to be associated with any of the Defendant Websites based on its name, branding or the identity of its operator, or discovered to provide additional means of accessing, the Defendant Websites, and other domains/domain along with their subdomains and subdirectories, owners/website operators/entities which are discovered to have been engaging in infringing the Plaintiffs' exclusive rights), its owners, partners, proprietors, officers, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, from, in any manner hosting, streaming, reproducing, distributing, making available to the public and/or communicating to the public, or facilitating the same, on their websites, through the internet in any manner whatsoever, any cinematograph work/content/programme/ show m relation to which Plaintiffs have copyright.

ii. Issue an order and decree directing the Defendant Nos. 35-43, their directors, partners, proprietors, officers, affiliates, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, to block access to the

Defendant Nos. 1-34 websites identified by the Plaintiffs in the instant suit (and any such other mirror/redirect/alphanumeric website which appears to be associated with any of the Defendant Websites based on its name, branding or the identity of its operator, or discovered to provide additional means of accessing, the Defendant Website, and other domains/domain along with their subdomains and subdirectories, owners/website operators/entities which are discovered to have been engaging in infringing the Plaintiffs' exclusive rights),

iii. Issue an order directing the Defendant Nos. 44 and 45, to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the Defendant Nos. 1-34 websites identified by the Plaintiffs in the instant suit (and any such other mirror/redirect/alphanumeric website which appears to be associated with any of the Defendant Websites based on its name, branding or the identity of its operator, or discovered to provide additional means of accessing, the Defendant Websites, and other domains/domain along with their subdomains and subdirectories, owners/website operators/entities which are discovered to have been engaging in infringing the Plaintiffs' exclusive rights);

iv. Issue an order directing the Domain Name Registrars of the Defendant Websites identified by the Plaintiffs in the Plaint to disclose the contact details and other details about the owner of the said websites, and other such relief as this Hon'ble Court may deem fit and proper;

v. Pass any other Order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also be passed in favour of the Plaintiff.

It is prayed accordingly"

7. The suit was first listed on 21.02.2022. On that date, the Court noticed that the plaintiffs are distinct corporate entities whose works are not identical, and that their joinder in one suit did not strictly satisfy Order I Rule 1 CPC. The Court, however, declined to split the suit in view of Order I Rule 2 CPC, the decision of the Supreme Court in ***Prem Lala Nahata v. Chandi Prasad Sikaria,***[1] and the fact that separate court fees had been paid by each plaintiff. Paragraph 18 of the order reads as under:

"18. It is for that reason alone that the court is inclined not to direct the splitting up of this particular suit as separate suits to be numbered as such, also in the light of the fact that separate court fees has been paid.

[1](2007) 2 SCC 551.

But it is not a practice that can be encouraged."

8. By the same order, this Court granted *ex parte* interim directions. Paragraphs 25 and 26 of the order dated 21.02.2022 read as under:

> *"25. The defendants No.1 to 34 have been created to upload pirated movies, TV programmes etc. These websites are anonymous in nature. The information provided in the public domain regarding the owners of the websites is inherently incorrect or protected behind the veil of secrecy and hidden behind private domain services offered by various domain name Registrars. Therefore, there is force in the contention of the learned counsel for the plaintiffs that it is virtually impossible to bring the owners of these websites before the court and to ensure that the orders are complied with. Yet there is no gainsaying that these websites are actively streaming Motion pictures and television content of the plaintiffs through illegal means. The legal notices issued to them have evoked no response. Such illegal websites made with the primary and sole objective to pirate copyrighted works for their own commercial benefits cannot be permitted to continue doing so, to await the disposal of the suit. Therefore, the defendants No.35 to 43 are directed to block access to these websites as mentioned below :*
>
> *xxx*
>
> *26. They shall do so within 24 hours of the receipt of the order. The defendants No.44 and 45 are directed to issue notifications calling upon the telecom service providers registered under them to disable access into India ofthewebsites ofdefendantsNo.1 to 34 within36hours ofthereceipt ofthe order.*

9. The said interim order has been duly complied with. Defendant nos. 47 to 75, which are also websites, were subsequently impleaded on applications filed by the plaintiffs, and the interim directions were extended to them.

10. Except the Union of India, which is a non-contesting party, none of the other defendants is represented despite service. No written statement has been filed on behalf of any of the defendant websites. The plaintiffs are not seeking any substantive relief against the Union of India or against defendant nos. 35 to 43, who have been arrayed only to ensure compliance with the decree. The plaintiffs have also not pressed the relief of damages and costs.

11. Order XIIIA CPC, as applicable to commercial disputes of a specified value,

was introduced by the Commercial Courts Act, 2015 (Act 4 of 2016]) Rules 1 to 3 thereof read as under:

> *"1. Scope of and classes of suits to which this Order applies.-(1) This Order sets out the procedure by which Courts may decide a claim pertaining to any Commercial Dispute without recording oral evidence.*
>
> *(2) For the purposes of this Order, the word "claim" shall include-*
>
> *(a) part of a claim;*
>
> *(b) any particular question on which the claim (whether in whole or in part) depends; or*
>
> *(c) a counterclaim, as the case may be.*
>
> *(3) Notwithstanding anything to the contrary, an application for summary judgment under this Order shall not be made in a suit in respect of any Commercial Dispute that is originally filed as a summary suit under Order XXXVII.*
>
> *2. Stage for application for summary judgment. An applicant may apply for summary judgment at any time after summons has been served on the defendant:*
>
> *Provided that, no application for summary judgment may be made by such applicant after the Court has framed the issues in respect of the suit.*
>
> *3. Grounds for summary judgment.- The Court may give a summary judgment against a plaintiff or defendant on a claim if it considers that--*
>
> *(a) the plaintiff has no real prospect of succeeding on the claim or the defendant has no real prospect of successfully defending the claim, as the case may be; and*
>
> *(b) there is no other compelling reason why the claim should not be disposed of before recording of oral evidence."*

12. Order XIIIA CPC is framed around an application. Rule 2 speaks of the stage at which an applicant may apply, and Rule 4 prescribes what the application and the reply must contain. Relying on this scheme, a Division Bench of this Court in ***Bright Enterprises Private Ltd. v. MJ Bizcraft LLP,***[2] held as under:

> *"21. ... Even if we were to accept, which we do not, the argument of the respondents that the Court had suo moto powers to deliver summary judgment without there being any application, those powers also would have to be exercised during this window, that is, after service of summons on the defendant and prior to framing of issues. In addition to this, we also reiterate that, in our view, a summary judgment under Order XIIIA CPC is not permissible without there being an appropriate application for summary judgment. ...*
>
> *xxx xxx xxx*
>
> *23. From the provisions laid out in Order XIIIA, it is evident that the proceedings before Court are adversarial in nature and not inquisitorial. It follows, therefore,*

[2] 2017 SCC OnLine Del 6394.

> *that summary judgment under Order XIIIA cannot be rendered in the absence of an adversary and merely upon the inquisition by the Court. The Court is never an adversary in a dispute between parties. Unfortunately, the learned Single Judge has not considered the provisions of Order XIIIA CPC in this light.*
>
> *24. In view of the discussion above, since no summons had been issued and obviously no application had been filed by the respondents for a summary judgment, the learned Single Judge could not have dismissed the suit invoking the provisions of Order XIIIA CPC."*

13. The decision in ***Bright Enterprises*** (supra) was rendered in a case where the learned Single Judge had dismissed a suit at the admission stage itself, without even issuing summons to the defendants, and partly on the basis of the Judge's own recollection and research. The plaintiffs there had no notice that their claim was being tested summarily. The concern of the Division Bench was that a party cannot be visited with a summary judgment without notice and in the absence of an adversary.

14. After that decision, this Court, in exercise of the powers under Section 7 of the Delhi High Court Act, 1966 and Section 129 CPC, notified the Delhi High Court Intellectual Property Rights Division Rules, 2022 (IPD Rules) on 24.02.2022. The present suit, being one for infringement of copyright over the internet, is an IPR subject matter within Rule 2(i) and is governed by the IPD Rules in terms of Rule 3 thereof. Rule 27 of the IPD Rules reads as under:

> *"27. Summary Adjudication*
>
> *In cases before the IPD, the Court may pass summary judgment, without the requirement of filing a specific application seeking summary judgment on principles akin to those contained in Order XIIIA, Code of Civil Procedure, 1908 as applicable to commercial suits under the Commercial Courts Act, 2015."*

15. Rule 27, thus, expressly dispenses with the requirement of a specific application, which was the very requirement that weighed with the Division Bench in ***Bright Enterprises*** (supra). What it retains is the substantive test under Rule 3 of Order XIIIA CPC, namely, whether the defendant has any real prospect of successfully defending the claim and whether there is any other compelling reason why the claim should not be disposed of before recording oral evidence. The same approach is reflected in Practice Direction 9(h) of the Delhi High Court (Original

Side) Rules, 2018, which reads as under:

> *"9. In the case of commercial disputes, the Court may, inter-alia, pass orders as it may think fit for the speedy disposal of the suit or narrowing the controversy between the parties, including:-*
>
> *xxx*
>
> *h) conduct a Case Management hearing under Order XV-A of the Code and as part of the said case management hearing –*
>
> *xxx*
>
> *ii. explore the possibility of deciding the dispute by a summary judgment, without a specific application for the said purpose, on the basis of pleadings dispensing with the trial of the suit on the questions of law or of facts on which the parties are not at issue;"*

16. Coordinate Benches of this Court have consistently read Rule 27 in this manner. In ***DHL International GmbH v. DLH Express Services Private Ltd,.***[3] it was held as under:

> *"18. ... In so far as the prayer for summary judgment is concerned, as per the Commercial Courts Act, 2015 read with the Delhi High Court (Original Side) Rules, 2018 (hereinafter "Original Side Rules") and Rule 27 of the Delhi High Court Intellectual Property Rights Division Rules, 2022 (hereinafter "IPD Rules"), summary judgment can be passed under Order XIIIA, if the Defendant has no real prospect of succeeding in the matter. In fact, even the filing of application for the same would not be required in terms of Rule 27. ..."*

17. To the same effect is the decision in ***Heetich Marketing-Und Vertriebs GmbH & Co. KG. v. Gupta Store,***[4] wherein it was observed as under:

> *"17. ... In fact, under Rule 27 of the IPD Rules even the filing of the application is not a sine qua non. ...*
>
> *xxx xxx xxx*
>
> *20. The legislative intent behind the provision of summary judgment is to provide to a party a remedy to seek a decree, distinct from a judgment on admission and one under Order XXXVII CPC. As held in various judgments, the remedy of summary judgment is available where there is no real prospect of the Defendant succeeding and there is no genuine issue for trial. The test, therefore, is whether a fair and just determination of a dispute is possible without trial and the necessary facts can be determined by applying the legal principles rather than requiring the parties to incur expenditure and spend time and resources to go through the rigours of a trial. The standard is not really to see if the procedure for trial is exhaustive and costly but to see if the Court has the confidence that the necessary facts and the legal principles applied thereto would be enough to arrive at a just decision."*

[3]CS(COMM) 563/2020, decided on 22.04.2022.
[4]2022/DHC/002362.

18. More recently, in ***Hero Electric Vehicles Private Limited v. Nitish Kumar,***[5] where the defendants had not appeared despite service, it was held as under:

> *"19. ... Predicated on the fact that in the present case, neither defendant nos.1 and 2 entered appearance despite service nor did they file their written statement and were consequently proceeded ex-parte, no purpose would be served requiring the plaintiff to adduce any formal evidence in the present suit. Moreover, under the provisions of the Commercial Courts Act, 2015 read with Rules 14 and 27 of the Delhi High Court Intellectual Property Rights Division Rules, 2022 (IPD Rules) and Rule 1 in Chapter VII of the Delhi High Court (Original Side) Rules, 2018 (hereinafter referred to as 'Original Side Rules, 2018'), this Court can proceed to pass orders in the absence of the defendants or their defence, as the defendants are noted to have been served and the plaintiffs have also made out their case. ..."*

19. In the considered view of this Court, the exercise of power under Rule 27 in the present case does not offend the concerns expressed in ***Bright Enterprises*** (supra). Unlike in that case, summons have been duly served on the defendants, who have had notice of the plaint, the documents and the claim against them for over four years, during which the interim directions have remained in operation. They have chosen not to appear. The Court is not proceeding on its own inquisition or on any material outside the record; it is only testing the uncontroverted pleadings and documents against the standard in Rule 3 of Order XIIIA CPC. Issues have not been framed, and the matter is within the window identified in paragraph 21 of ***Bright Enterprises*** (supra). Above all, the requirement of a specific application has since been dispensed with by Rule 27 of the IPD Rules. The liberty granted to the plaintiffs on 04.05.2026 was meant to facilitate the disposal of the suit; it was not a condition precedent to the exercise of the power under Rule 27

20. In view of the above, the first question is answered in the affirmative. Rule 27 of the IPD Rules empowers this Court to pass a summary judgment in a suit before the IPD without a specific application under Order XIIIA CPC. The fact that the plaintiffs did not file such an application, despite the liberty granted on 04.05.2026, does not take away that power. The safeguards that weighed with the Division Bench in ***Bright Enterprises*** (supra) are met in the present case. Summons have

[5]CS(COMM) 104/2022, decided on 04.02.2026.

been served, the defendants have had notice of the claim, and the power is being exercised before issues are framed.

21. Clause (b) of Rule 3 of Order XIIIA CPC requires the Court to consider whether there is any other compelling reason why the claim should not be disposed of before recording of oral evidence. Order VIII Rule 5(2) CPC further provides that where the defendant has not filed a pleading, it shall be lawful for the Court to pronounce judgment on the basis of the facts contained in the plaint, except as against a person under a disability, though the Court may, in its discretion, require any such fact to be proved.

22. In ***Disney Enterprises Inc. v. Balraj Muttneja***,[6] this Court observed as under:

> *"5. The plaintiffs, despite having been granted sufficient time and several opportunities, have failed to get their affidavits for leading ex parte evidence on record. However, it is not deemed expedient to further await the same and allow this matter to languish, for the reason that I have in Indian Performing Rights Society Ltd. Vs. Gauhati Town Club MANU/DE/0582/2013 held that where the defendant is ex parte and the material before the Court is sufficient to allow the claim of the plaintiff, the time of the Court should not be wasted in directing ex parte evidence to be recorded and which mostly is nothing but a repetition of the contents of the plaint."*

23. The plaintiffs before this Court are not new to such litigation. As stated in paragraph 24 of the plaint, plaintiff nos. 1, 3, 5 and 6 had earlier instituted eight suits against thirty infringing domains, which were decided by this Court in ***UTV Software Communication Ltd. v. 1337X.to,***[7]. Thereafter, the plaintiffs, particularly plaintiff no. 2, have obtained final decrees against similarly placed rogue websites in a number of suits, most of them by way of summary judgment and without being relegated to trial. Some of these decisions are tabulated below:

S.No.	Suit and Event	Nature of Disposal	Nature of Order
1.	Warner Bros. Entertainment Inc. v. https://tamilrockers.ws & Ors. CS(COMM) 369 of 2019 Event: Cinematograph films	Summary Judgment dated 10.10.2022	Dynamic Injunction

[6] 2014:DHC:964.
[7] 2019 SCC OnLine Del 8002.

2.	Warner Bros. Entertainment Inc. v. http://www2.series9.io & Ors. CS(COMM) 400 of 2019 Event: Cinematograph films	Summary Judgment dated 10.10.2022	Dynamic Injunction
3.	Warner Bros. Entertainment Inc. v. http://www.onlinewatchmovies.com.pk/& Ors. CS(COMM) 403 of 2019 Event: Cinematograph films	Summary Judgment dated 10.10.2022	Dynamic Injunction
4.	Warner Bros. Entertainment Inc. v. https://ww2.movierulzfree.com & Ors. CS(COMM) 407 of 2019 Event: Cinematograph films	Summary Judgment dated 10.10.2022	Dynamic Injunction
5.	Warner Bros. Entertainment Inc. v. https://xmovies08.ru & Ors CS(COMM) 422 of 2019 Event: Cinematograph films	Summary Judgment dated 10.10.2022	Dynamic Injunction
6.	Warner Bros. Entertainment Inc. v. Moviesflix.net & Ors. CS(COMM) 457 of 2019 Event: Cinematograph films.	Summary Judgment dated 10.10.2022	Dynamic Injunction
7.	Warner Bros. Entertainment Inc. v. https://Hindilinks4u.to and Ors. CS(COMM) 366 of 2019 Event: Cinematographic films	Summary Judgment dated 08.09.2022	Dynamic Injunction
8.	Warner Bros. Entertainment Ine, v. Https://www.Uwatchfree.st & Ors. CS (COMM) 402 of 2019 Event: Cinematograph films	Judgment dated 08.09.2022	Dynamic Injunction
9.	Warner Bros. Entertainment Inc. v. https://skymovies.live & Ors. CS(COMM) 409 of 2019 Event: Cinematograph films	Judgment dated 08.09.2022	Dynamic Injunction
10.	Warner Bros. Entertainment Inc. v. https://yomovies.com & Ors. CS(COMM) 418 of 2019 Event: Cinematograph films	Judgment dated 08.09.2022	Dynamic Injunction

11.	Warner Bros. Entertainment Inc. v. rutracker.org & Ors. CS (COMM) 515 of 2019 Event: Cinematograph films	Judgment dated 08.09.2022	Dynamic Injunction
12.	Warner Bros. Entertainment Inc. v. https://Otorrents.com & Ors. CS(COMM) 367 of 2019 Event: Cinematograph films	Judgment dated 01.06.2022	Dynamic Injunction
13.	Warner Bros. Entertainment Inc. v. https://www2.filmlinks4u.is & Ors. CS(COMM) 368 of 2019 Event: Cinematograph films	Judgment dated 01.06.2022	Dynamic Injunction
14.	Warner Bros. Entertainment Inc. v. http://mp4moviez.io & Ors. CS(COMM) 399 of 2019 Event: Cinematograph films	Judgment dated 01.06.2022	Dynamic Injunction
15.	Warner Bros. Entertainment Inc. v. https://www.tamilrockermovies.com & Ors. CS(COMM) 419 of 2019 Event: Cinematograph films	Judgment dated 01.06.2022	Dynamic Injunction

24. In ***Warner Bros. Entertainment Inc. v. https://tamilrockers.ws,***[8] which arose on identical pleadings and sought identical reliefs, this Court held as under:

> *"24. Since the defendant nos. 1 to 16 and 51 to 237 are not appearing, despite notice, in my opinion, the suit can be heard and decided summarily. The defendant nos. 1 to 16 and 51 to 237 have no real prospect of successfully defending the claim of copyright infringement and have further not chosen to contest the said claim. The present matter is mainly concerned with the enforcement of the injunction orders, which are passed against the rogue websites who do not have any defence to the claim of copyright infringement, but use the anonymity offered by the internet to engage in illegal activities, such as copyright infringement in the present case. This is a fit case for passing a Summary Judgment invoking the provisions of Order XIII-A of the CPC, as applicable to the commercial disputes, read with Rule 27 of the Delhi High Court Intellectual Property Rights Division Rules, 2022.*
>
> *25. In the present case, applying the test as laid down in UTV Software (supra), and considering the documents filed and the averments made in the plaint, which remained uncontroverted, it has to be held that the defendant nos. 1 to 16 and 51 to 237 are 'rogue websites', with their primary purpose being to commit and facilitate infringement of the copyright of the plaintiff. The plaintiff is therefore, held entitled*

[8] 2022/DHC/004171.

to a decree in terms of prayers made in paragraph no. 52(i), (ii) and (iii) of the plaint."

25. The present suit stands on the same footing. The defendant websites are anonymous operators who, by their very design, never appear before the Court. The averments in the plaint are supported by the affidavit of the investigator and by documentary material. Requiring the plaintiffs to file affidavits by way of evidence would add nothing to what is already on record and would only be a repetition of the plaint. There is, therefore, no compelling reason why the claim should not be disposed of without recording oral evidence. The second question is, accordingly, answered in the negative.

26. This Court has already decided suits brought by the plaintiffs themselves, on identical pleadings and for identical reliefs, without relegating them to trial. Nothing in the present case calls for a different course. The plaintiffs, therefore, need not lead oral evidence, and the suit can be decided on the pleadings and documents on record. What remains to be seen is whether, on that material, the plaintiffs have made out a case for the reliefs sought, and in particular whether defendant nos. 1 to 34 and 47 to 75 are 'rogue websites' within the test laid down in ***UTV Software*** (supra).

27. This Court in ***UTV Software*** (supra) was dealing with an almost similar controversy. In paragraph 1 of the said judgment, the following legal issues were framed for adjudication:

"1. It is rare that in an ex-parte matter questions of law of general public importance arise for consideration. However, in the present batch of ex-parte matters the following seminal issues arise for consideration:-
(A) Whether an infringer of copyright on the internet is to be treated differently from an infringer in the physical world?
(B) Whether seeking blocking of a website dedicated to piracy makes one an opponent of a free and open internet?
(C) What is a 'Rogue Website' ?
(D) Whether the test for determining a 'Rogue Website' is a qualitative or a quantitative one?
(E)Whether the defendant-websites fall in the category of 'Rogue Websites'?
(F) Whether this Court would be justified to pass directions to block the 'Rogue Websites' in their entirety?
(G) How should the Court deal with the 'hydra headed' 'Rogue Websites' who on

being blocked, actually multiply and resurface as redirect or mirror or alphanumeric websites?"

28. The Court in paras.57 to 60 has considered what are the rogue websites. In para 59, the following test have been laid down to ascertain whether the website complained of is a Flagrantly Infringing Online Locations (FIOL)/Rogue website. Para. 59 is extracted as under:

"59. In the opinion of this Court, some of the factors to be considered for determining whether the Website complained of is a FIOL/Rogue Website are: (a) whether the primary purpose of the website is to commit or facilitate copyright infringement;

(b) the flagrancy of the infringement, or the flagrancy of the facilitation of the infringement; (c) Whether the detail of the registrant is masked and no personal or traceable detail is available either of the Registrant or of the user.

(d) Whether there is silence or inaction by such website after receipt of take down notices pertaining to copyright infringement.

(e) Whether the online location makes available or contains Directories, indexes or categories of the means to infringe, or facilitate an infringement of, copyright;

(1) Whether the owner or operator of the online location demonstrates a disregard for copyright

generally; (g) Whether access to the online location has been disabled by orders from any court of another country or territory on the ground of or related to copyright infringement;

(h) whether the website contains guides or instructions to circumvent measures, or any order of any court, that disables access to the website on the ground of or related to copyright infringement; and i. the volume of traffic at or frequency of access to the website; (1) Any other relevant matter.

60. This Court clarifies that the aforementioned factors are illustrative and not exhaustive and do not apply to intermediaries as they are governed by IT Act, having statutory immunity and function in a wholly different manner."

29. The Court further emphasised that website blocking in the case of rogue websites strikes a balance between preserving the benefits of a free and open internet and efforts to stop crimes such as digital piracy, and recognised its power to order the ISPs, DoT and MeitY to take measures to stop current infringements and, if justified by the circumstances, to prevent future ones. The relevant paragraphs

read as under:

> *"86. Consequently, website blocking in the case of rogue websites, like the defendant-websites, strikes a balance between preserving the benefits of a free and open Internet and efforts to stop crimes such as digital piracy.*
>
> *87. This Court is also of the opinion that it has the power to order ISPs and the DoT as well as MEITY to take measures to stop current infringements as well as if justified by the circumstances prevent future ones."*

30. In the present case, the plaintiffs have specifically pleaded each of the factors laid down in paragraph 59 of ***UTV Software*** (supra), as noted in paragraph 7 above. These averments, which are supported by the affidavit of the investigator and the documents on record, stand uncontested. They also find support in the findings recorded at the interim stage in paragraph 25 of the order dated 21.02.2022, namely, that the websites are anonymous, that they actively stream the plaintiffs' content through illegal means, and that the legal notices issued to them evoked no response. The plaintiffs have also explained the manner in which such websites resurface under new domains. Paragraph 49 of the plaint reads as under:

> *"49. In cases where new iterations do not look substantially similar to the blocked iterations of these sites, the Plaintiffs have not used the usual avenue of seeking to implead the new iterations per the original orders, but have instead included the new iterations as separate Rogue Websites in new Plaints. That has meant that the applicants have been required to prepare, and the Hon'ble Court has been required to consider and make findings on, entirely new evidence in relation to these new iterations of blocked websites."*

31. Applying the test laid down in ***UTV Software*** (supra), and considering the documents filed and the averments in the plaint, this Court holds that defendant nos. 1 to 34, as well as defendant nos. 47 to 75 impleaded subsequently, are rogue websites whose primary purpose is to commit and facilitate infringement of the copyright of the plaintiffs. They have no real prospect of successfully defending the claim of infringement under Section 51 of the Act.

32. In para 107, of ***UTV Software*** (supra) the Court issued the following directions:

> *"107. Keeping in view the aforesaid findings, a decree of permanent injunction is passed restraining the defendant-websites (as mentioned in the chart in paragraph No. 4(1) of this judgment) their owners, partners, proprietors, officers, servants,*

employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, from, in any manner hosting, streaming, reproducing, distributing, making available to the public and/or communicating to the public, or facilitating the same, on their websites, through the internet in any manner whatsoever, any cinematograph work/content/programme/show in relation to which plaintiffs have copyright. A decree is also passed directing the ISPs to block access to the said defendant-websites. DoT and MEITY are directed to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the said defendant-websites. The plaintiffs are permitted to implead the mirror/redirect/alphanumeric websites under Order I Rule 10 CPC in the event they merely provide new means of accessing the same primary infringing websites that have been injuncted. The plaintiffs are also held entitled to actual costs of litigation. The costs shall amongst others include the lawyer's fees as well as the amount spent on Court-fees. The plaintiffs are given liberty to file on record the exact cost incurred by them in adjudication of the present suits. Registry is directed to prepare decree sheets accordingly."

33. In view of the aforesaid, the Court finds that there is no impediment in decreeing the suit in terms of prayer clauses (i) and (ii) of the plaint. The suit is, accordingly, decreed in the following terms:

32.1 Defendant nos. 1 to 34 and 47 to 75, their owners, partners, proprietors, officers, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under them, are permanently restrained from, in any manner, hosting, streaming, reproducing, distributing, making available to the public and/or communicating to the public, or facilitating the same, on their websites, through the internet in any manner whatsoever, any cinematograph work/content/programme/show in relation to which the plaintiffs have copyright.

32.2 Defendant nos. 35 to 43 shall block access to the websites of defendant nos. 1 to 34, as listed in paragraph 25 of the order dated 21.02.2022, and of defendant nos. 47 to 75.

34. Liberty is reserved in favour of the plaintiffs, in terms of paragraph 107 of ***UTV Software*** (supra), to implead any mirror/redirect/alphanumeric websites which merely provide new means of accessing the injuncted websites, by filing an

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appropriate application.

35. Since the plaintiffs are distinct entities, as noticed in the order dated 21.02.2022, the decree shall enure to the benefit of each plaintiff in respect of the works in which that plaintiff holds copyright.

36. Let the decree sheet be drawn up accordingly.

37. The suit, along with pending application(s), stands disposed of.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

OCTOBER 7, 2026/P