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2026:DHC:10534

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

\# **CNR No. DLHC010282282026**

\+ CS(COMM) 702/2026, I.A. 31259/2026, I.A. 31891/2026 and I.A. 31892/2026

Date of Decision: **23.11.2026**

IN THE MATTER OF:

ABHISHEK SHARMA
[redacted]
.....Plaintiff

(*Through: Mr. Gaurav Bahl, Ms. Arundhati Dhar and Ms. Bhawni Kashyap, Advs.*)

versus

ASHOK KUMAR .....Defendant No. 1

CRICKET ZONE
FACEBOOK ACCOUNT C/0
UNIT 28 AND 29
THE EXECUTIVE CENTRE,
LEVEL 18, DLF CYBER CITY, BUILDING NO. 5, TOWER A, PHASE III
GURGAON 122002, INDIA ...Defendant No. 2

SDCRICFACT661
INSTAGRAM ACCOUNT C/0
UNIT 28 AND 29
THE EXECUTIVE CENTRE,
LEVEL 18, DLF CYBER CITY, BUILDING NO. 5, TOWER A, PHASE ITT
GURGAON 122002, INDIA ...Defendant No. 3

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MAHAKAL
FACEBOOK ACCOUNT C/0
UNIT 28 AND 29
THE EXECUTIVE CENTRE,
LEVEL 18, DLF CYBER CITY, BUILDING NO. 5, TOWER A,
PHASE III
GURGAON 122002, INDIA ...Defendant No. 4

BIHARI_NITISH_G
INSTAGRAM ACCOUNT C/0
UNIT 28 AND 29
THE EXECUTIVE CENTRE,
LEVEL 18, DLF CYBER CITY, BUILDING NO. 5, TOWER A,
PHASE 111
GURGAON 122002, INDIA ...Defendant No. 5

FOOTBALLPAGLULO
INSTAGRAM ACCOUNT C/0
UNIT 28 AND 29
THE EXECUTIVE CENTRE,
LEVEL 18, DLF CYBER CITY, BUILDING NO. 5, TOWER A,
PHASE III
GURGAON 122002, INDIA ...Defendant No. 6

CRICKET IN INDIA
FACEBOOK ACCOUNT C/0
UNIT 28 AND 29
THE EXECUTIVE CENTRE,
LEVEL 18, DLF CYBER CITY, BUILDING NO. 5, TOWER A,
PHASE III
GURGAON 122002, INDIA ...Defendant No. 7

RADHIKAMAROO61
INSTAGRAM ACCOUNT C/O
UNIT 28 AND 29
THE EXECUTIVE CENTRE,
LEVEL 18, DLF CYBER CITY, BUILDING NO. 5, TOWER A,

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PHASE 111
GURGAON 122002, INDIA ...Defendant No. 8

TWIN TIGERS
TWIN TIGERS, GREEN PARK EXTENSION
GREEN PARK, H24, 2ND FLOOR, 110016
NEW DELHI DL, INDIA ...Defendant No. 9

YOUR JERSEY
F3 FIRST FLOOR SAKSHI PARADISE
BEHIND HOTEL ABHINAV PALACE
BHOPAL-462026 ...Defendant No. 10

SALASAR TRADING CO
GROUND FLOOR,
19-1-912/A/3,
BHAVANI NAGAR, BAHADURPURA,
HYDERABAD – 500064 ...Defendant No. 11

TURTLE WINGS
PLOT NO 21, PATHARADI PHATA,
NASHIK, MAHARASHTRA 422010 ...Defendant No. 12

VEDIKABAISA X ACCOUNT C/O
8TH FLOOR, THE ESTATE,
121 DICKENSON ROAD,
BANGALORE 560 042 ...Defendant No. 13

AMAZON SELLER SERVICES PRIVATE LIMITED .. .
SATTVA HORIZON, 2ND FLOOR.
SURVEY NO. 6/1 AND 7/1,
VINAYAK NAGAR, KATTIGENAHALLI,
VENKATALA VILLAGE, YELAHANKA HOBLI,
YELAHANKA, BANGALORE,
BANGALORE NORTH, KARNATAKA, INDIA, 560064
...Defendant No. 14

FLIPKART INTERNET PRIVATE LIMITED
BUILDINGS ALYSSA, BEGONIA & CLOVER,

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EMBASSY TEEH VILLAGE, OUTER RING ROAD,
BANGALORE, DEVARABEESANAHALLI VILLAGE
BENGALURU,
KARNATAKA, INDIA, 560103 ...Defendant No. 15

META PLATFORMS, INC.
UNIT 28 AND 29
THE EXECUTIVE CENTRE,
LEVEL 18, DEE CYBER CITY, BUILDING
NO. 5, TOWER A, PHASE III
GURGAON 122002, INDIA ...Defendant No. 16

X CORP.
8TH FLOOR, THE ESTATE,
121 DICKENSON ROAD,
BANGALORE 560 042 ...Defendant No. 17

MINISTRY OF ELECTRONICS AND INFORMATION
TECHNOLOGY
THROUGH THE DIRECTOR GENERAL
ELECTRONICS NIKETAN, 6, CGO COMPLEX,
LODHI ROAD, NEW DELHI: 110003 ...Defendant No. 18

DEPARTMENT OF TELECOMMUNICATIONS
THROUGH SECRETARY, MINISTRY OF
COMMUNICATIONS AND IT,
20, SANCHAR BHAWAN, ASHOKA ROAD,
NEW DELHI-110001 ...Defendant No. 19

(Through: Ms. Nidhi Raman, CGSC with Mr. Rishay Raj and Ms. Nikita Singh, Advs.
Mr. Prajwal Tiwari, Mr. Mayank and Ms. Vidhu Awasthy, Advs. for D-10.
Mr. Abhijeet Shrivastava, Mr. Shashank S. Dwivedi, Mr. Rahul Ray and Mr. Anshuman Shrivastava, Advs. for D-15.
Mr. Varun Pathak, Mr. Vishesh Sharma and Ms. Nivedita Sudheer, Advs. for D-16.

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Mr. Deepak Gogia, Mr. Aadhar Nautiyal and Ms. Shivangi Kohli, Advs. for D-17.
Ms. Nidhi Raman CGSC, Mr. Manish Rawat GP, Mr. Mohit Bokoliya, Ms. Nikita Singh, Advs. for D-18 & 19 (VC).)

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

CS(COMM) 702/2026, I.A. 31259/2026, I.A. 31891/2026 and I.A. 31892/2026
I.A. 17023/2026 (under Order XXXIX Rule 1 and 2 of CPC)

1. The suit is filed for the following reliefs:

"A. Pass a decree of Permanent Injunction restraining the Defendants, their owners, partners, directors, officers, employees, agents, affiliates, assigns, and all others acting for or on their behalf (and any other such person(s) /entities which are discovered during the course of the proceedings), from using, reproducing, publishing, displaying, communicating to the public, or otherwise exploiting the Plaintiffs name, image, likeness, voice, persona, and other Personality Attributes, in any manner whatsoever, without the prior authorization of the Plaintiff;

B. Pass a decree of Permanent Injunction restraining the Defendants from creating, publishing, circulating, or enabling the dissemination of any manipulated, morphed, superimposed, synthetic, or AI-generated content, including deepfakes, face-swapped images or videos, or fabricated statements falsely depicting or representing the Plaintiff;

C. Pass a decree of Mandatory Injunction directing the Defendants, including intermediary platforms, to forthwith remove, take down, disable access to, and de-index all infringing content, listings, URLs, accounts, and material identified in Annexure A and any other identical or substantially similar content;

D. For an order of rendition of accounts of profits earned by the Defendant 9 to 12 on account of illegal use of Plaintiff's Personality

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Attributes and decree of the amount so found due in favor of the Plaintiff;

E. For an order for delivery up of all goods bearing the Plaintiffs Personality Attributes to the Plaintiff or to the authorized representative of the Plaintiff for the purposes of destruction / erasure.

F. In the alternative to rendition of accounts, for a decree of damages in the sum of INR 2,00,00,000 to be awarded in favour of the Plaintiff for loss of business, harm to reputation, and unlawful gain derived by the Defendant No. 9 to 12.

G. For an order for costs in the proceedings;
H. Pass such further and other order(s) as this Hon'ble Court deems just and proper in the facts and circumstances of the present case in the interest of justice/equity."

2. The plaintiff is a professional cricketer who has represented India in international cricket. The plaint sets out his achievements on the field, the rankings and awards conferred upon him, his following on social media platforms and his association with various brands. For the reasons noted further in this order, it is not necessary to recount them.

3. The grievance of the plaintiff, as pleaded, may be grouped under five heads:

(i) *False rumours by way of videos:* Defendant no.3, an Instagram account operating under the name 'sdcricfact661', is stated to have published a short video with superimposed text carrying statements about the plaintiff which are said to be wholly untrue. The video is stated to have been viewed more than 2,70,000 times.

(ii) *AI-generated, morphed and obscene material:* Defendant nos.4 and 7, Facebook accounts operating under the names 'Mahakal' and 'Cricket In India', are stated to have published AI-generated images depicting the plaintiff with a third person, who is not a party to the suit, in an

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obscene manner. Defendant no.6, an Instagram account operating under the name 'footballpaglu1o', is stated to have published morphed images of the plaintiff carrying abusive and offensive text.

(iii) *Posters and merchandise:* Defendant nos.9 to 12 are stated to be selling t-shirts, jerseys, photo frames, neon art, posters and metal frames bearing the name and image of the plaintiff, without his authorisation. Defendant nos.14 and 15 are online marketplaces on which listings of such products are stated to have been hosted.

(iv) *Defamation:* Defendant no.13, an account on the platform 'X' operating under the name 'vedikabaisa', is stated to have published a post carrying an imputation against the plaintiff of a grave and scandalous nature, which the plaintiff asserts to be false and *per se* defamatory.

(v) *AI-generated images attaching the plaintiff to events which have not occurred:* Defendant no.2, a Facebook profile operating under the name 'Cricket zone', is stated to have published AI-generated images depicting the plaintiff in events which have never taken place. Defendant nos.5 and 8, Instagram accounts operating under the names 'Bihari_nitish_g' and 'radhikamaroo61', are stated to have published AI-generated images falsely portraying a personal relationship, and in one instance a proposal of marriage, between the plaintiff and the same third person.

4. Defendant no.1 is an unidentified person (John Doe). Defendant no.16, Meta Platforms, Inc., and defendant no.17, X Corp., own and operate the platforms on which the content of defendant nos.2 to 8 and 13 is stated

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to be hosted. Defendant no.18, the Ministry of Electronics and Information Technology, and defendant no.19, the Department of Telecommunications, have been impleaded only to facilitate the implementation of the orders of this Court, and no substantive relief is sought against them.

5. *Vide* order dated 09.07.2026, this Court, upon finding a *prima facie* case in favour of the plaintiff, granted an *ex parte ad interim* injunction. Defendant nos.1 to 8 were restrained from exploiting the name, image, voice, likeness and other attributes of the persona of the plaintiff without his consent, from creating or disseminating any morphed, superimposed, AI-generated or deepfake depiction of the plaintiff, and from publishing or circulating any false or obscene content concerning him. Defendant nos.9 to 12 were restrained from manufacturing, listing, advertising or selling merchandise bearing the name, image or likeness of the plaintiff. Defendant nos.9, 10, 12, 14, 15 and 16 were directed to take down the URLs specified against them in Annexure-A of that order within 36 hours. It was also recorded that some of the impugned posts had, by then, already been removed or were no longer accessible.

6. It is noted that summons were not issued to defendant nos.16, 17 and 18, who are represented through counsel. The position of the defendants, as it emerges from the record, is as under:

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Defendant	Summons / Written statement	Compliance	Other applications / remarks
D-1 to D-9 and D-11 to D-13 (Ashok Kumar/John Doe; 'Cricket zone'; 'sdcricfact661'; 'Mahakal'; 'Bihari_nitish_g'; 'footballpaglu1o'; 'Cricket In India'; 'radhikamaroo61'; The Pop Tees/Twin Tigers; Neon Attack/Salasar Trading Co.; Turtle Wings; 'vedikabaisa')	Written statement not filed.	—	—
D-10 (Your Jersey)	Written statement filed on 20.11.2026, along with an application for condonation of delay of 76 days.	Compliance intimated by e-mail dated 04.08.2026. The written statement states that the impugned listing has been taken down in compliance with the order dated 09.07.2026.	Application for deletion of name from the array of parties filed on 20.11.2026.
D-14 (Amazon Seller Services Pvt. Ltd.)	Written statement filed on 27.10.2026; delay of 51 days condoned by the learned Joint Registrar on 27.10.2026.	Compliance intimated by e-mail dated 29.07.2026; listings taken down.	Objections taken in the written statement are noted in paragraph 20.

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Defendant	Summons / Written statement	Compliance	Other applications / remarks
D-15 (Flipkart)	Written statement not filed.	Compliance affidavit filed on 29.09.2026; URLs removed.	Application for deletion of name filed on 04.11.2026; undertakes to comply with any further directions.
D-16 (Meta Platforms, Inc.)	Summons not issued; represented through counsel. Written statement not filed.	—	—
D-17 (X Corp.)	Summons not issued; represented through counsel. Written statement not filed.	—	—
D-18 (Ministry of Electronics and Information Technology)	Summons not issued; represented through counsel. Written statement not filed.	—	—
D-19 (Department of Telecommunications)	Represented through counsel. Written statement not filed.	—	—

7. It is stated on behalf of the plaintiff that the impugned content, including the URLs specified in Annexure-A of the order dated 09.07.2026, has been taken down and is no longer accessible.

8. At this stage, Mr. Gaurav Bahl, learned counsel appearing for the plaintiff, submits that the Court, under almost similar circumstances, has decreed the suit filed by one Arjun Kapoor in CS(COMM) 454/2026.

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9. He, therefore, contends that, bearing in mind the facts and circumstances, the Court may consider decreeing the present suit in terms of the interim order already granted, and may further grant liberty to the plaintiff to approach the intermediaries and the official defendants with the relevant details of any subsequently discovered URLs and/or content relating to the subject matter of the present suit. Learned counsel, on instructions, does not press the remaining reliefs, including those of rendition of accounts, delivery up and damages.

10. The Court has considered the submissions made on behalf of the plaintiff and has perused the record.

11. This is a classic case in which the Court has not had the occasion to adjudicate upon the contentions raised in the plaint on their complete merits. The order dated 09.07.2026 was an *ex parte ad interim* order, passed on a *prima facie* view of the material then on record. Upon that order, the impugned content, including the AI-generated images which attached the plaintiff to events that never took place, has been taken down. None of the defendants who uploaded the content or sold the merchandise has come forward to defend it. Defendant no.10, the only one amongst them to file a written statement, states that its listing has been taken down and seeks deletion of its name. Defendant nos.14 and 15 have reported compliance. The plaintiff, for his part, confines the relief to the terms of the interim order. Nothing, therefore, remains to be adjudicated.

12. A decree in terms of the interim order is, thus, the outcome of the course which the proceedings have taken, and not of an adjudication of the questions which suits of this nature raise. It is necessary to say so expressly,

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since those very questions are presently under the consideration of this Court in other matters.

13. In ***Kriti Sanon v. BBE Marketing Inc. & Ors.***,[1] this Court, while making an *ad interim* arrangement, recorded its *prima facie* understanding of what is described as "personality rights". The relevant paragraphs read as under:

> *"17. ... In these circumstances, this Court does not propose to finally decide any of the questions at this stage. What is set out below is only a* prima facie *understanding of the issue, formed from consideration of the material presently on record.*
>
> *18. "Personality rights" is not a single cause of action. It is a description of several distinct claims that may arise when a person's identity is used without consent. The right of publicity, passing off, the right of privacy, defamation, and, where their conditions are met, rights under the Trade Marks Act, 1999 and the Copyright Act, 1957, including performers' rights.*
>
> *19. These claims protect two different interests. Privacy, dignity and reputation are personal interests; they cannot be assigned and they end with the person. The right of publicity protects the commercial value of identity; it can be licensed.*
>
> *20. The right of publicity is, therefore, not the same as the right of privacy, though it has roots in it. If it were merely a facet of a fundamental right, it could not be licensed at all, and the endorsement arrangements on which it rests would have no legal basis. Nor is it the same as passing off, which requires a misrepresentation as to endorsement or association.*
>
> *21. Each claim carries its own elements, defences and remedy. Placing them all under one label cannot lower the threshold that applies to any one of them, whether the high threshold for pre-trial restraint of defamatory speech, or the free speech limits on the right of publicity.*
>
> *22. The rights are available to every individual. Fame bears on whether an identity has commercial value and on the loss caused by its misuse; it is not a condition of the right. Equally, the mere use of a person's identity is not, by itself, unlawful.*
>
> *23. It follows that a plaintiff, as in the present case has, must indicate, defendant-wise and content-wise, which of these claims is made and on*

[1]CS(COMM) 1132/2026, order dated 29.10.2026.

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> *what material; and relief, particularly at the interim stage, must be correspondingly specific. All the claims in a suit of this kind cannot be put under one umbrella and met with one omnibus injunction."*

14. The present plaint illustrates the difficulty noted above. It is styled as a suit for "misappropriation of personality and/or publicity rights, infringement of trademark, copyright, passing off, rendition of accounts, etc.", and pleads the "personality, privacy and publicity rights" of the plaintiff together. It does not, however, plead any registered trade mark, or any work in which copyright is said to subsist. Under one label, it joins the five heads of grievance noted in paragraph 3, which engage different interests and different branches of law. A false rumour or a scandalous imputation concerns reputation. An obscene morph concerns privacy and dignity. A fabricated depiction of the plaintiff at an event which never took place may concern reputation and privacy and, if it is monetised, the commercial value of his identity. Merchandise raises questions of passing off and of the right of publicity.

15. This Court, therefore, does not subscribe to the idea of "personality rights" as a collective concept, under which all such claims are gathered into one cause of action and met with an omnibus injunction. Each of the heads noted above is, in one form or another, already under consideration of this Court. The issues concerning AI-generated, morphed and obscene content are being examined in ***Kriti Sanon*** (supra) and in ***Manoj Radhakant Bajpayee v. H2PG Design Private Limited and Ors***.[2] The questions concerning merchandise and the overlap between persona and defamation are noted hereinbelow.

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[2]CS(COMM) 1018/2026.

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16. The third head, namely posters and merchandise, raises a question which requires greater consideration. In ***Rakesh Bedi v. John Doe/Ashok Kumar & Ors.***,[3] this Court has left open whether merchandise in which the image is itself the product falls within the right of publicity. The question is also engaging this Court in ***Rakesh Bedi*** (supra), where merchandise and caricatures sold by fans and commercial entities have been pleaded alongside other wrongs. This Court, in these matters, is also considering what is described as the 'fandom defence'. Put simply, a person who buys a poster or a T-shirt bearing the image of a cricketer usually buys it because he admires the cricketer, and not because he believes that the cricketer has endorsed or authorised it. In such a case, the image is not used to lend its associative value to some other product; it is itself the product. It is further argued that the fame of a public figure is, in part, created by the very audience whose circulation of the image such an injunction would restrict.

17. On the other side stands the view taken in ***Anil Kapoor v. Simply Life India & Ors.***,[4] relied upon by the plaintiff, that the right of endorsement is "a major source of livelihood for the celebrity, which cannot be destroyed completely by permitting unlawful dissemination and sale of merchandise". Between these two positions lie questions of misrepresentation, of commercial benefit, and of where fan expression ends and commercial exploitation begins. These are to be examined in ***Rakesh Bedi*** (supra), and the present order expresses no view on them.

18. The fourth head is defamation. The plaint treats the imputation made by defendant no.13, and the false statements attributed to the plaintiff by

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[3]CS(COMM) 1049/2026.
[4]2023 SCC OnLine Del 6914.

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some of the other defendants, as a misappropriation of his personality attributes. A claim for injury to reputation is, however, ordinarily the subject matter of the law of defamation, which has its own elements, defences and threshold for interim relief. Whether such a claim, where it overlaps with the use of the persona of a person, is to be dealt with in a commercial suit before the Intellectual Property Division, or is to be left to the other remedies available in law, requires greater consideration. As noted in ***Kriti Sanon*** (supra), placing the claims under one label cannot lower the high threshold that applies to the pre-trial restraint of defamatory speech. This overlap shall be dealt with in due course.

19. One more aspect may be noted. The plaint devotes considerable space to the achievements and standing of the plaintiff, and contends that, by virtue of these, his persona has acquired a secondary meaning and is exclusively associated with him. As noted *prima facie* in ***Kriti Sanon*** (supra), the rights in question are available to every individual, and fame is not a condition of the right. The fact that a person is famous has, therefore, no bearing on whether a cause of action arises. Fame bears, if at all, on whether an identity has commercial value and on the loss caused by its misuse, that is, on the quantum of damages.

20. Defendant no.14, in its written statement, contends that it is an intermediary within the meaning of Section 2(1)(w) of the Information Technology Act, 2000; that it does not manufacture, offer for sale or sell the products listed by third-party sellers; that it is entitled to the protection of Section 79 of that Act; that its obligation is limited to removing information upon receiving actual knowledge; and that it is neither a necessary nor a proper party. Defendant no.15 has, likewise, sought deletion of its name

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after reporting compliance. Without examining these contentions on merits, it is sufficient to refer to the following *prima facie* observation in ***Kriti Sanon*** (supra):

> *"24. Additionally, Section 79 of the Information Technology Act, 2000 protects an intermediary from liability for third-party information, unless, under Section 79(3)(b), it fails to expeditiously remove unlawful material upon receiving actual knowledge. In* Shreya Singhal v. Union of India, *this provision was read down to mean actual knowledge "that a court order has been passed asking it to expeditiously remove or disable access to certain material". The intermediaries are, thus, parties for compliance, not wrongdoers, and a direction to them must identify the material. …"*

21. Consistent with the above, nothing in this order fastens any liability upon defendant nos.14 to 17 beyond compliance with the directions issued by this Court.

22. It is, accordingly, clarified that this order shall not be construed as a finding on the merits of the allegations made in the plaint, or on the causes of action pleaded therein. The questions noted in paragraphs 13 to 18 hereinabove shall be examined in the matters in which they arise.

23. With the above clarifications, the submissions made on behalf of the plaintiff merit acceptance. The interim order dated 09.07.2026 is confirmed and made absolute. The defendants shall remain bound by the same. The defendants shall remain bound by the same. The decree shall operate *qua* the defendants arrayed in the present suit, and in respect of content and merchandise of the nature placed on record and noted in paragraph 3 hereinabove.

24. The Court refrains from commenting on whether every use of the name, image, likeness or other attributes of the persona of the plaintiff would give rise to a claim, whether by way of the right of publicity, passing

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off, infringement or otherwise. The decree shall not be construed so as to restrain any act which does not, in law, constitute a violation of the rights of the plaintiff. Nothing in the decree restrains news, review, criticism, commentary, satire, parody, caricature or fan expression which does not fall within the terms of the order dated 09.07.2026. It shall not be read as recognising any omnibus right in the persona of the plaintiff.

25. The plaintiff shall be at liberty to approach defendant nos.14 to 17, copying their respective counsel on record, with the relevant details of any subsequently discovered URLs and/or content of the same nature as that dealt with in the order dated 09.07.2026, namely: (a) AI-generated, morphed or obscene depictions of the plaintiff; (b) depictions falsely attaching the plaintiff to events which have not occurred; and (c) listings of merchandise of the kind placed on record. The plaintiff shall furnish the concerned defendant with supporting particulars/documents, on an affidavit, demonstrating that such URLs and/or content form the subject matter of the present suit. Upon receiving such a request, the concerned defendant shall independently examine and evaluate the same and act in terms of its policies and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, as amended.

26. In case the concerned defendant does not act upon the request, the plaintiff shall be at liberty to approach this Court for appropriate directions. This shall be without prejudice to the right of the plaintiff to avail the grievance redressal mechanism under Rule 3(2)(b) of the said Rules.

27. Let the decree sheet be drawn up in accordance with law.

28. All pending applications, including the applications filed by defendant nos.10 and 15 seeking deletion of their names from the array of parties and

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the application filed by defendant no.10 seeking condonation of delay in filing its written statement, stand disposed of as infructuous.

29. The suit stands disposed of in the above terms.

30. The date earlier fixed before the Joint Registrar, i.e., 13.01.2027, stands cancelled.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

NOVEMBER 23, 2026
NK