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

+ **CS(COMM) 646/2023 and I.A. 18038/2023-18042/2023**

HUMANS OF BOMBAY STORIES PVT. LTD. Plaintiff

Through: Mr. Abhishek Malhotra, Ms. Shilpa
Gamnani and Ms. Ishita Goel,
Advocates (M- 8806230299)

versus

POI SOCIAL MEDIA PVT. LTD. & ANR. Defendants

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 18.09.2023

1. This hearing has been done through hybrid mode.

I.A. 18039/2023 (for exemption)

2. This is an application filed by the Plaintiff seeking exemption from filing originals/certified/fair typed copies of dim/proper margin/underline/single line spacing/translated copies of 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, 2015 and the DHC (Original Side) Rules, 2018.

3. Exemption is allowed, subject to all just exceptions. Accordingly, the application is disposed of.

I.A. 18040/2023 (for additional documents)

4. This is an application filed by the Plaintiff 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, 2015 and the DHC (Original Side) Rules, 2018.

5. Application is disposed of.

I.A. 18042/2023 (u/S 12A of the Commercial Courts Act)

6. This is an application filed by the Plaintiff seeking exemption instituting pre-litigation mediation. In view of the orders passed in *Chandra Kishore Chaurasia v. R A Perfumery Works Private Ltd, 2022/DHC/004454*, the application is allowed and disposed of.

I.A. 18041/2023 (for court fee)

7. This is an application filed by the Plaintiff seeking extension of time for filing court fee. It is submitted by the counsel for the Plaintiff that Court fee has been paid. Application is accordingly disposed of.

CS(COMM) 646/2023

8. Let the plaint be registered as a suit.

9. Issue summons to the Defendants through all modes upon filing of Process Fee.

10. The summons to the Defendants shall indicate that a written statement to the plaint shall be positively filed within 30 days from date of receipt of summons. Along with the written statement, the Defendants shall also file an affidavit of admission/denial of the documents of the Plaintiff, without which the written statement shall not be taken on record.

11. Liberty is given to the Plaintiff to file a replication within 15 days of the receipt of the written statement(s). Along with the replication, if any, filed by the Plaintiffs, an affidavit of admission/denial of documents of the Defendant, be filed by the Plaintiff, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.



12. List before the Joint Registrar for marking of exhibits on 25th September, 2023. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

13. List before Court on 11th October, 2023.

I.A. 18038/2023 (u/O XXXIX Rules 1 & 2 CPC)

14. The Plaintiff is an organization by the name Humans of Bombay Stories Pvt. Ltd. which has filed the present suit for seeking injunction restraining infringement of copyright of its copyrighted content which includes (i) Plaintiff's content, (ii) Literary works, (iii) Materials, (iv) Films and (v) creative expressions which is published on its website as also Instagram handle and YouTube channel, against the Defendants-POI Social Media Pvt. Ltd. & Anr.

15. The case of the Plaintiff is that the Plaintiff owns and operates a storytelling platform in which stories of various individuals are uploaded in the form of interviews, write ups, posts, etc. The case of the Plaintiff is that it engages in substantial research, and approaches various subjects who would be interested in narrating their life stories. The said stories are then converted into audio-video works and uploaded on the website on the above stated platforms.

16. The Plaintiff's website is known as 'www.humansofbombay.in'. The grievance in the present suit is that the Defendants have started an identical portal/service having identical content as that of the Plaintiff by the name '*People of India*' available on Instagram Platform handle as (@officialpeopleofindia). The Defendants have replicated a large number of images and videos from the Plaintiff's platforms and have used the same on their platforms.

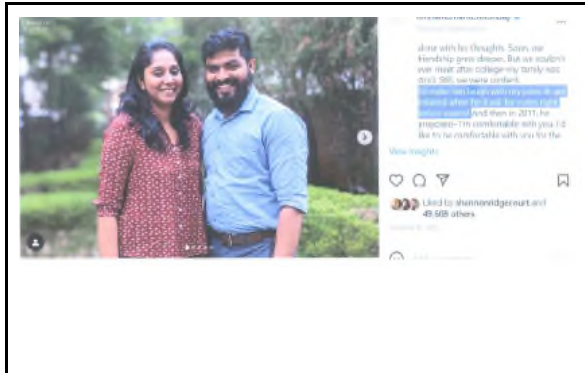


17. According to the Mr. Malhotra, Id. Counsel appearing for the Plaintiff, the comparative table of some images would show that the Defendants have completely replicated the Plaintiff's business model as also the stories themselves. In addition, he submits that the Defendants are approaching the very same subjects who are shown on the Plaintiff's websites in order to create an imitative platform. The comparative tables which are annexed with the plaint are set out below:

| Plaintiff's content | Defendants' content |
|--|---|
|  |  |











18. Heard. A perusal of the images above would show that, *prima facie*, there is substantial imitation and in fact, in some cases, the photographs/images are identical or imitative.

19. In this view of the matter, issue notice to the Defendants. In addition, intimation be issued by the Plaintiff's counsel through e-mail.

20. In addition, Id. Counsel for the Plaintiff on the query relating to how



this Court would have jurisdiction, submits that a number of subjects who were being interviewed by the Defendants are based out of Delhi. Let an affidavit to this effect be placed on record within one week.

21. List on 11th October, 2023 on top of the board.

22. Notice be also issued by the Registry through e-mail to the Defendants that on the next date of hearing, the interim application shall be considered for *ad interim* relief.

PRATHIBA M. SINGH, J

SEPTEMBER 18, 2023

Rahul/ks