



2026:AHC:29884-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

COMMERCIAL APPEAL DEFECTIVE No. - 3 of 2026

Sajeed Ansari

.....Appellant(s)

Versus

M/s I Think Apps Private Limited and 2 others

.....Respondent(s)

Counsel for Appellant(s)	:	Anup Shukla, Devansh Misra
Counsel for Respondent(s)	:	Rahul Agarwal (Sr. Advocate), Devendra Kumar Misra

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. The appeal is barred by 9 days.
2. An application seeking condonation of delay has been filed.
3. For the reasons indicated in the application supported by affidavit, which is not contested, the same is allowed.
4. Delay in filing the appeal is condoned.
5. The present appeal is directed against order dated 21.11.2025 passed by the Commercial Court, Varanasi in Original Suit No. 45 of 2025, whereby an *ex parte* injunction has been granted against the appellant and respondent no. 3.
6. The suit was filed by respondent no. 1 *inter alia* seeking injunction against the appellant from in any manner accessing, altering, modifying, transferring, tempering and infringing with the plaintiff's domain *sarkariresult.com.cm* or any of its associated records setting credentials, DNS configurations or administrative controls. Further reliefs pertaining to the same cause of action were also claimed along with a direction to defendant no. 3-Netcetra.uk to immediately restore plaintiff's full and unhindered access of email ID to the domain and to forthwith remove unauthorized and fraudulently inserted email ID etc.
7. The Commercial Court on the first date heard the matter *ex parte* on an

application under Order XXXIX Rules 1 and 2 C.P.C. filed along with suit, noted the contentions raised in this regard and passed the following order:-

"Issued notice to defendants with registered post and recognised electronic mode for 09.12.2025 for the disposal of application 6ga (C), till that date defendant no.1 and 2 and their agents, representatives or any person acting on their behalf are restrained from accessing, altering, modifying, transferring, tempering and infringing with the plaintiff's domain sarkariresult.com.cm and claiming any ownership, right, title or interest over the domain sarkariresult.com.cm. Defendant no. 3 Netcetera Ltd. (Netcetera.uk) also directed to restore the plaintiff unhindered access to the domain sarkariresult.com.cm and it's email ID sarkariresultcm@gmail.com to the domain immediately. Defendant no. 3 also directed not to recognised email ID sajeedre@gmail.com.

Put up on 09.12.2025 for disposal of application 6ga (C). Plaintiff is directed to comply the mandatory compliance of Order 39 Rule 3(a) C.P.C. immediately."

(Issue notice wrongly spelled as 'Issued notice')

8. Feeling aggrieved, the present appeal has been filed.

9. Learned counsel for the appellant made submissions that the Commercial Court was not justified in granting injunction of the present nature, wherein the final relief claimed in the suit itself has been granted at the interim stage and that also *ex parte* and, therefore, the order impugned deserves to be set aside. Further submissions were made on the merit of the dispute between the parties.

10. Learned counsel for the respondents supported the order impugned. Submissions have been made that the averments made in the suit and the application under Order XXXIX Rules 1 and 2 C.P.C. clearly make out a case for grant of injunction of the present nature and that the same does not call for any interference. Further submission has been made that appellant has already filed his written statement and reply to the application under Order XXXIX Rules 1 and 2 C.P.C. and rejoinder thereof would be filed before the next date, which is 23.02.2026 and that even if the injunction as granted is permitted to continue till the next date, the appellant would not suffer any injury.

11. We have considered the submissions made and have perused the material available on record.

12. As noticed herein-before the plaintiff *inter alia* has sought reliefs pertaining to restraint against the defendants and a positive/mandatory direction to defendant no. 3 to restore the plaintiff's full and unhindered access of the email to the domain.

13. Admittedly, as on date of filing of the suit, the plaintiff's email ID had no access to the domain pertaining to which the dispute has been raised in the suit. The Commercial Court, except for noticing the contentions, without recording any reasons for grant of *ex parte ad interim* injunction and that also in the mandatory form, has passed the order impugned. Insofar as the direction to restore the plaintiff's unhindered access to the domain and its email ID has passed the order, the passing of the *ad interim* injunction *ex parte* in the mandatory form, which could only be granted in exceptional cases also requires very strong reasons to be recorded by the Court while passing such order, however, *dehors* such reasons, grant of a mandatory injunction of the present nature, cannot be approved.

14. So far as the grant of interim injunction in the nature of maintaining the status quo whereby defendants no. 1 and 2 were restrained from accessing, altering, modifying, transferring, tempering and infringing with the plaintiff's domain sarkariresult.com.cm is concerned, in the circumstances of the given case, the said order would legitimately be passed even at the *ex parte* stage.

15. In view thereof, the order passed by the Commercial Court to the extent of directing restoring the plaintiff's unhindered access email ID to the domain, by way of an *ex parte* injunction cannot be sustained.

16. Consequently, the appeal is partly allowed.

17. The order dated 21.11.2025 passed by Commercial Court, Varanasi to the extent "Defendant no. 3 Netcetera Ltd. (Netcetera.uk) also directed to restore the plaintiff's unhindered access to the domain sarkariresult.com.cm and its email ID sarkariresultcm@gmail.com to the

domain immediately. Defendant no. 3 also directed not to recognise email ID sajeedre@gmail.com" is set aside.

18. As the matter is coming up before the Commercial Court on 23.02.2026, it is expected of the Commercial Court to make efforts to hear the parties on application under Order XXXIX Rules 1 and 2 C.P.C. and pass appropriate orders in accordance with law.

19. It goes without saying that the observations made by this Court while deciding the present appeal shall not be taken as expression of opinion by the Court on the merit of the dispute. The order has been passed only on account of procedure adopted by the Commercial Court.

(Kshitij Shailendra, J.) (Arun Bhansali, C.J.)

February 11, 2026

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