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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 318/2025 & I.A. 9099-9105/2025

RAVISSANT PRIVATE LIMITED...... Plaintiff

Through: Mr. Pravind Anand, Mr. Dhruv Anand, Ms. Udita Patro and Ms. Sampurnaa Sanyal, Advocates

versus

ANIL KUMAR JAIN SILVER & ANR. Defendants Through:

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER 08.04.2025

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I.A. 9102/2025 (exemption)

- 1. Allowed, subject to the plaintiff filing original, clear and translated copies of documents within four weeks.
- 2. The application stands disposed of.

I.A. 9101/2025_(O-XI R-1(4) of the Commercial Courts Act)

- 3. The present application has been filed on behalf of the plaintiff seeking leave to file additional documents.
- 4. The plaintiff is permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.
- 5. Accordingly, the application is disposed of.

I.A. 9103/2025 (u/s 149 of the CPC)

- 6. Mr. Pravind Anand, counsel appearing on behalf of the plaintiff submits that the requisite court fees shall be paid within two weeks.
- 7. The aforesaid statement of counsel is taken on record.
- 8. The application is disposed of.

I.A. 9104/2025 (u/s 12A of Commercial Courts Act, 2015)

- 9. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.
- 10. The application stands disposed of.

I.A. 9105/2025 (seeking time for filing the certificate under 63(4)(c) of the Bhartiya Sakshiya Adhiniyam)

- 11. Mr. Pravin Anand, counsel appearing on behalf of the plaintiff submits that the required Certificate under Section 63(4)(c) of Bhartiya Sakshya Adhiniyam, 2023 shall be filed within thirty (30) days from today.
- 12. The aforesaid statement of counsel is taken on record.
- 13. The application stands disposed of.

I.A. 9100/2025 (u/O XI Rule 1, 3 and 5 seeking discovery, production and inspection of the defendants' documents)

- 14. This application has been filed on behalf of the plaintiff under Order XI Rule 1, 3 and 5 of the CPC seeking discovery, production and inspection of the defendants' documents.
- 15. None appears on behalf of the defendants despite advance service.
- 16. Issue notice to the defendants through all permissible modes, including e-mail.
- 17. Reply be filed within four weeks from today.

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- 18. Rejoinder thereto, if any, be filed within two weeks thereafter.
- 19. List before the Joint Registrar on 18th July, 2025 for completion of service and pleadings.
- 20. List before the Court on 24th September, 2025.

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- 21. Let the plaint be registered as a suit.
- 22. None appears on behalf of the defendants despite advance service.
- 23. Issue summons.
- 24. Summons be issued to the defendants through all modes. The summons shall state that the written statement(s) shall be filed by the defendants within thirty days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.
- 25. Liberty is given to the plaintiff to file replications, if any, within thirty days from the receipt of the written statement(s). Along with the replications filed by the plaintiff, affidavit of admission/denial of the documents of the defendants be filed by the plaintiff.
- 26. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.
- 27. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
- 28. List before the Joint Registrar on 18th July, 2025 for completion of

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service and pleadings.

29. List before the Court on 24th September, 2025.

I.A. 9099/2025 (u/O-XXXIX Rule 1 & 2 of Code of Civil Procedure, 1908)

- 30. The present suit has been filed by the plaintiff seeking protection of its registered designs and copyright in original images/photographs of the plaintiff as also its common law right of preventing the defendants from passing off their goods as those emanating from the plaintiff.
- 31. The plaintiff company was formally founded in 1982 by Mr. Ravi Chawla and Ms. Mina Chawla and has its origins dating back to 1967. It has its registered office in South Delhi.
- 32. The plaintiff manufactures and sells a wide range of home decor products, sterling silverware and decorative pieces for homes and offices which have been detailed in paragraph no.8 of the plaint. The said products include champagne and wine coolers, ice buckets, flower vases, trays, platters, tea sets, Ganesh Moorti's, caviar sets, bar accessories, and bonbonniere. These products are made entirely of silver or combined with other materials to create objects of art intended for visual and aesthetic satisfaction. The plaintiff's handcrafted products are claimed to have been introduced in 1990-91, and its sterling silverware range is popular with customers. These products are stated to be especially commissioned and curated by the plaintiff for its exclusive use. These products are known for their aesthetic value and artistic craftsmanship.
- 33. The plaintiff currently operates four outlets in India two in Mumbai and two outlets in Delhi, details of which are given in paragraph 10 of the plaint. Being the exclusive retail franchisee for renowned brands such as Rosenthal and L'occitane, the plaintiff claims to have partnered with multiple

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multinational companies to establish exclusive boutiques in India, including the first of their kind.

- 34. The plaintiff's reputation is also claimed on the basis of various press articles which have been published in renowned international magazines including Vogue, The Sunday Telegraph, Women's Own, The New York Times, The Los Angeles Times, Fashion Forecast etc.
- 35. The plaintiff's products are available for sale at their physical stores and are also promoted and advertised on their website, 'www.ravissant.in'. They also have a presence on various social media platforms. The advertising expenses are also set out in paragraph no.14 of the plaint. The plaintiff avers that its sales during the year 2024 amounted to around Rs.60 crores.
- 36. It is averred that the immense goodwill and reputation enjoyed by the plaintiff's products, featuring intricate cutwork, chasing work, and distinctive shapes, further lends credibility to its products. It is stated in the plaint that the success and popularity of the plaintiff's products, known for their unmatched quality standards, have enhanced its reputation and exclusivity in India and worldwide.
- 37. The plaintiff has secured five design registrations for novel and unique designs, as detailed in paragraph 18 of the plaint. The plaintiff also has several original photographs/images of its products, 18 of which are impugned in the present suit. The details of these original photographs are provided in paragraph 41 of the plaint. The plaintiff also asserts that the plaintiff has carved a niche for itself in the market so much so that their entire range is easily identifiable by the consumers and relevant members of the trade as distinctive and originating from the plaintiff and no one else.
- 38. The defendant no.1, M/s. Anil Kumar Jain Silver, and the defendant

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- no.2, M/s Anil Kumar Jain & Co., are entities operating from the same address i.e., 2788, 1st Floor, Kinari Bazar, Chandni Chowk, Delhi 110006, and are engaged in the same business, i.e. the manufacturing and supply of oxidized Articles, Tea Set & Jug Set, Silver Jewelry, Bowls etc. Both entities appear to be operated by Mr. Anil Kumar Jain and Mr. Samyak Jain Chordia.
- 39. In March 2025, the plaintiff came across the Instagram handle '@anilkumarjain_silver' wherein the plaintiff found that the defendants have copied at least 18 original images of the plaintiff.
- 40. Counsel for the plaintiff submits that the plaintiff enjoys copyright in the original photographs/images of the products under Section 14(c) *read with* Section 17 of the Copyright Act, 1957 (hereinafter, 1957 Act'). The photographs constitute original artistic works which have been taken at the instance of the plaintiff for valuable consideration or in the course of employment of the plaintiff and the act of the defendants of using the plaintiff's original photographs/images amounts to infringement of the plaintiff's copyright in these images. Further, it is averred that the defendants by altering/modifying the background of the plaintiff's original images, have also distorted the plaintiff's works. The act of the defendants of lifting the heart of the plaintiff's works and thereafter making distortions by way of *inter alia* altering the background or superimposing text leads to the violation of the plaintiff's copyright in the original photographs.
- 41. The comparison of the original photographs of the plaintiff and the infringing photographs used by the defendants on various social media handles is given in paragraph no.41 of the plaint.
- 42. Further, the other grievance of the plaintiff in the present suit is that the defendants are engaging in advertising, manufacturing and selling, *inter alia*

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silverware which infringes the plaintiff's registered designs bearing no. 267811, 287465, 297913, 297914 and 297915, details of which are given in paragraph no.18 of the plaint. The comparison of the registered designs of the plaintiff and the infringing products being sold by the defendants is given in paragraph 44 of the plaint. The plaintiff alleges that during an investigation conducted by the plaintiff, upon enquiry the defendants were ready to provide replicas of the plaintiff's products to the investigator.

- 43. Further, the plaintiff is also aggrieved with the defendants selling other products which are identical or deceptively similar to that of products of the plaintiff, thereby passing off their products as those emanating from the plaintiff. The plaintiff has in its plaint expressly stated that it is not asserting its common law rights in respect of articles of the plaintiff which expressly enjoy protection by way of design certifications no.267811, 287465, 297913, 297914 and 297915.
- 44. The counsel for the plaintiff states that the above act of the defendants also amounts to passing off since products being manufactured by the defendants are admittedly in accordance with the photographs they themselves have displayed and posted on their social media handles. It is stated that the confusion is not only confined to the origin of the goods but is also as to association/endorsement/sponsorship.
- 45. The investigator's affidavit dated 29th March 2025 also reveals that the defendants are manufacturing and selling the above-highlighted infringing products. The said affidavit also states that the defendants offer to manufacture these products in a silver-plated version as well, at considerably lower prices than that of the plaintiff's original products. The comparison of prices between the plaintiff's products and the defendants' products is

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provided on page no.164-165 of the documents filed by the plaintiff along with the plaint. The plaintiff avers that the said act of the defendants is severely diluting the plaintiff's brand value and goodwill.

- 46. The comparison between the plaintiff's and the defendants' products, given in paragraph 44 of the plaint and appended to the present order as Document – A, clearly shows that the defendants are selling nearly identical replicas as that of the plaintiff's products and accordingly infringing its design registrations.
- 47. Moreover, over and above the products which are explicitly protected by design registrations, the defendants are also involved in selling products which are a colourable imitation of other products of the plaintiff thereby passing off their products as those emanating from the plaintiff.
- 48. Lastly, by using and distorting/modifying the original photographs of the plaintiff, the defendants are also infringing the copyright of the plaintiff in its original photographs/images, as is evident from the comparison present in paragraph no.41 of the plaint, also appended as <u>Document-B</u> to this order.
- 49. A *Prima facie* case is made out in favour of the plaintiff against the defendants.
- 50. Balance of convenience is in favour of the plaintiff and against the defendants. Irreparable injury would be caused to the plaintiff if the defendants continue to sell products infringing the plaintiff's registered designs or use the photographs in which the plaintiff has copyright. Prejudice would also be caused to the public as the products of the defendants are deceptively similar to that of the plaintiff and likely to cause confusion in the market.
- 51. In these facts and circumstances, till the next date of hearing, the

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defendants, their proprietors or partners or sister concerns, as the case may be, their officers, servants and agents and all others acting for and on their behalf are restrained from the following: -

a. applying or causing to be applied to any article/products, the plaintiff's registered designs no.267811, 287465, 297913, 297914 and 297915, or any fraudulent or obvious imitation thereof or do anything with a view to enable the registered designs of the plaintiff to be so applied, and in particular be restrained from manufacturing, selling, offering for sale, advertising, exporting, importing, marketing and distributing three products being





and

BY THE PEOPLE. FOR THE PEOPLE. OF THE PEOPLE



which are a substantial imitation

of the plaintiff's registered designs.

b. infringing the plaintiff's copyright in its original

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photographs/images by unauthorized reproduction/use distortion/mutilation of the same by the defendants on their social media handles or otherwise online or in any manner whatsoever. Accordingly, the defendants are directed to forthwith suspend the infringing URLs identified in the annexure to the present application, which is also appended to this order as Document C; and

- from copying the plaintiff's well-known and unique products c. which would amount to passing off of their products as that of the plaintiff as also lead to unfair competition and dilution of the goodwill of the plaintiff.
- 52. Compliance of Order XXXIX Rule 3 to be done within a period of one week.
- 53. Issue Notice.
- 54. None appears on behalf of the defendants despite advance service.
- 55. Notice be issued to the defendants *via* all permissible modes, including e-mail.
- 56. Reply(ies) be filed within four (4) weeks.
- Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter. 57.
- List before the Joint Registrar on 18th July, 2025 for completion of 58. service and pleadings.
- List before the Court on 24th September, 2025. 59.

AMIT BANSAL, J

APRIL 8, 2025 ds

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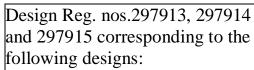
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DOCUMENT - A

Plaintiff's Design Registration Defendants' Instagram posts, blatantly copying the Plaintiff's images Design Reg. No. 287465 https://www.instagram.com/p/DE-SNYwCGS-/ Design Reg. No. 267811 Sculpted to Impress https://www.instagram.com/p/DEzsJlX C UE4/

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Teapot





 $\frac{https://www.instagram.com/p/DDe78s-iUJ8/}{iUJ8/}$

Milk pot





Sugar Pot



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DOCUMENT - B



Code: TRY164

Year of Launch: 2016

MRP: 4,56,300/-



The sfera tray embodies design excellence. With intricate edging and a mirror-like finish, it transforms serving into an art form.



https://www.instagram.com/p/DFHbKBvi

<u>ZSi/</u>;

BY THE PEUPLE.F

https://www.facebook.com/photo.php?fbi d=1121253289693867&set=pb.10005427

6200455.-2207520000&type=3

Date of upload of image: 22.01.2025



Code: T/C121

Year of Launch: 2017

MRP: 3,33,700/-



Date of upload of image: 18.02.2025 https://www.instagram.com/p/DGN2McC igdy/;https://www.facebook.com/photo.p hp?fbid=1140582964427566&set=pb.100 054276200455.-2207520000&type=3; https://www.facebook.com/photo.php?fbi d=1139813674504495&set=pb.10005427 6200455.-2207520000&type=3





Elevate every serve with timeless elegance. The SFERA silver bowl—luxury redefined.



Code: NBL187

Year of Launch: 2014

MRP: 261400/-

 $\underline{https://www.instagram.com/p/DFMnknZi}$

yyc/;

https://www.facebook.com/photo.php?fbi d=1122620512890478&set=pb.10005427 6200455.-2207520000&type=3

Date of upload of image: 24.01.2025



Code: T/C113

Year of Launch: 2016 MRP: 3,77,900/-

Also uploaded on Facebook:

https://www.facebook.com/ravissantsilver/photos/pb.100067179855234.-

2207520000/1121963011232229/?type=3





Date of upload of image: 18.01.2025

https://www.instagram.com/p/DE-SNYwCGS-/;

https://www.facebook.com/photo.p hp?fbid=1117328380086358&set= pb.100054276200455.-

2207520000&type=3;

https://www.facebook.com/photo.p hp?fbid=1117328380086358&set= pb.100054276200455.-2207520000&type=3

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Code: T/C122

Year of Launch: 2017 MRP: 2,90,200/-



https://www.instagram.com/p/DE7hVpXy

<u>V0G/</u>;

https://www.facebook.com/photo.php?fbi d=1118006006685262&set=pb.10005427 6200455.-2207520000&type=3

Date of upload of image: 17.01.2025





https://www.instagram.com/p/DE6jQCzi
ZN_/;

Code: RAF/DSNT/001 Year of Launch: 2022 MRP: 2,05,300/- https://www.facebook.com/photo.php?fbi d=1117721913380338&set=pb.10005427 6200455.-2207520000&type=3

Date of upload of image: 17.01.2025



THE PEOPLE.

Code: T/C0124

Year of Launch: 2017

MRP: 3,42,400/-



https://www.instagram.com/p/DE2ZwBFi
nGN/;

https://www.facebook.com/photo.php?fbi d=1116644346821428&set=pb.10005427 6200455.-2207520000&type=3

Date of upload of image: 15.01.2025



Code: FRD146

Year of Launch: 2014

MRP: 2,30,700/-



https://www.instagram.com/p/DEzsJlXC

UE4/;

https://www.facebook.com/photo.php?fbi d=1115864230232773&set=pb.10005427

6200455.-2207520000&type=3

Date of upload of image: 14.01.2025



Code: FRD143

Year of Launch: 2014



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MRP: 2,00,600/-

Also uploaded on Facebook:

https://www.facebook.com/ravissantsilver/photos/pb.100067179855234.-

2207520000/697561743672360/?type=3

<u>y7/</u>;

https://www.facebook.com/photo.php?fbi d=1111716193980910&set=pb.10005427 6200455.-2207520000&type=3

Date of upload of image: 08.01.2025



ò I F PAL E



Code: T/C121

Year of Launch: 2017

MRP: 3,33,700/-



https://www.instagram.com/p/DEhi165yddY/;

https://www.facebook.com/photo.php?fbi d=1111144390704757&set=pb.10005427 6200455.-2207520000&type=3

Date of upload of image: 07.01.2025



Code: FRD139 Year of Launch: 2014

MRP: 2,35,000/-



Date of upload of image: 06.01.2025 https://www.instagram.com/p/DEex3_dC

<u>a-p/</u>;

 $\frac{https://www.facebook.com/photo.php?fbi}{d=1110378300781366\&set=pb.10005427}$

6200455.-2207520000&type=3

Also uploaded on Facebook:



https://www.facebook.com/ravissantsilver/photos/pb.100067179855234.-2207520000/697562137005654/?type=3



Code: TRY171

Year of Launch: 2017

MRP: 2,59,600/-



https://www.instagram.com/p/DEFezpiCz

OQ/;

https://www.facebook.com/photo.php?fbi d=1103579288127934&set=pb.10005427

6200455.-2207520000&type=3

Date of upload of image: 27.12.2024



Code: T/C110

Year of Launch: 2016 MRP: 3,83,300/-

Also uploaded on Facebook:



https://www.facebook.com/ravissantsilver/photos/pb.100067179855234.-2207520000/1114902421938288/?type=3



Date of upload of image: 04.01.2025

https://www.instagram.com/p/DEaAeyhi4iZ/:

 $\frac{https://www.facebook.com/photo.php?fbi}{d=1108987877587075\&set=pb.10005427} \\ \underline{6200455.-2207520000\&type=3}$



Code: T/C066

Year of Launch: 2011 MRP: 2,70,100/-

Also available on one of the Plaintiff's

catalogues



https://www.instagram.com/p/DEDAn9hi Vhw/:

https://www.facebook.com/photo.php?fbi d=1102942328191630&set=pb.10005427 6200455.-2207520000&type=3

Date of upload of image: 26.12.2024



Code: T/C109

Year of Launch: 2016



Date of upload of image: 19.12.2024

MRP: 3,39,700/-

Also uploaded on Facebook:

https://www.facebook.com/ravissantsilver /photos/pb.100067179855234.-2207520000/1157562277672302/?type=3



https://www.instagram.com/p/DDwyR5iC

mt_/;

https://www.facebook.com/photo.php?fbi d=1098061015346428&set=pb.10005427 6200455.-2207520000&type=3



Code: T/C123

Year of Launch: 2017

MRP: 2,92,500/-



Date of upload of image: 16.12.2024

https://www.instagram.com/p/DDow01g
CqLR/;

 $\frac{https://www.facebook.com/photo.php?fbi}{d=1095892388896624\&set=pb.10005427}\\ \underline{6200455.-2207520000\&type=3}$



Code: T/C124 & TRY170 Year of Launch: 2017

MRP: 3,42,400/- & 2,75,500/-



https://www.instagram.com/p/DDe78s-iUJ8/;

https://www.facebook.com/photo.php?fbi d=1093289852490211&set=pb.10005427 6200455.-2207520000&type=3

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Date of upload of image: 12.12.2024



Code: FRD106 Year of Launch: 2011

MRP: 592300/-

Also uploaded on Facebook:



Date of upload of image: 14.12.2024

https://www.instagram.com/p/DDjFbdYC

kRs/



https://www.facebook.com/ravissantsilver/photos/pb.100067179855234.-2207520000/438800499548487/?type=3



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DOCUMENT - C

Infringing URLs of the Defendants infringing the rights of the Plaintiff:

Sr. No.	Defendants' Infringing URLs
1.	The sfera tray embodies design excellence. With intricate edging and a mirror-like finish, it transforms serving into an art form.
	https://www.instagram.com/p/DFHbKBviZSi/; https://www.facebook.com/photo.php?fbid=1121253289693867&set=pb.1000542762004552207520000&type=3
2.	BYTI
	Silver Lining to High Tea

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https://www.instagram.com/p/DGN2McCigdy/; https://www.facebook.com/photo.php?fbid=1140582964427566&set= pb.100054276200455.-2207520000&type=3; https://www.facebook.com/photo.php?fbid=1139813674504495&set= pb.100054276200455.-2207520000&type=3 3. Elevate every serve with timeless elegance. The SFERA silver bowl-luxury redefined https://www.instagram.com/p/DFMnknZiyyc/; BY THE PEOPLE. FOR THE PEOPLE. OF THE PEOPLE https://www.facebook.com/photo.php?fbid=1122620512890478&set= pb.100054276200455.-2207520000&type=3

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4.



https://www.instagram.com/p/DE-SNYwCGS-/;

https://www.facebook.com/photo.php?fbid=1117328380086358 &set=pb.100054276200455.-2207520000&type=3;

https://www.facebook.com/photo.php?fbid=1117328380086358 &set=pb.100054276200455.-2207520000&type=3

5.



https://www.instagram.com/p/DE7hVpXyV0G/;

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	https://www.facebook.com/photo.php?fbid=1118006006685262&set=pb.1000542762004552207520000&type=3
6.	Plated Perfection
	https://www.instagram.com/p/DE6jQCziZN_/;
	https://www.facebook.com/photo.php?fbid=1117721913380338&set=pb.1000542762004552207520000&type=3
7.	

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https://www.instagram.com/p/DE2ZwBFinGN/;

https://www.facebook.com/photo.php?fbid=1116644346821428&set=pb.100054276200455.-2207520000&type=3

8.

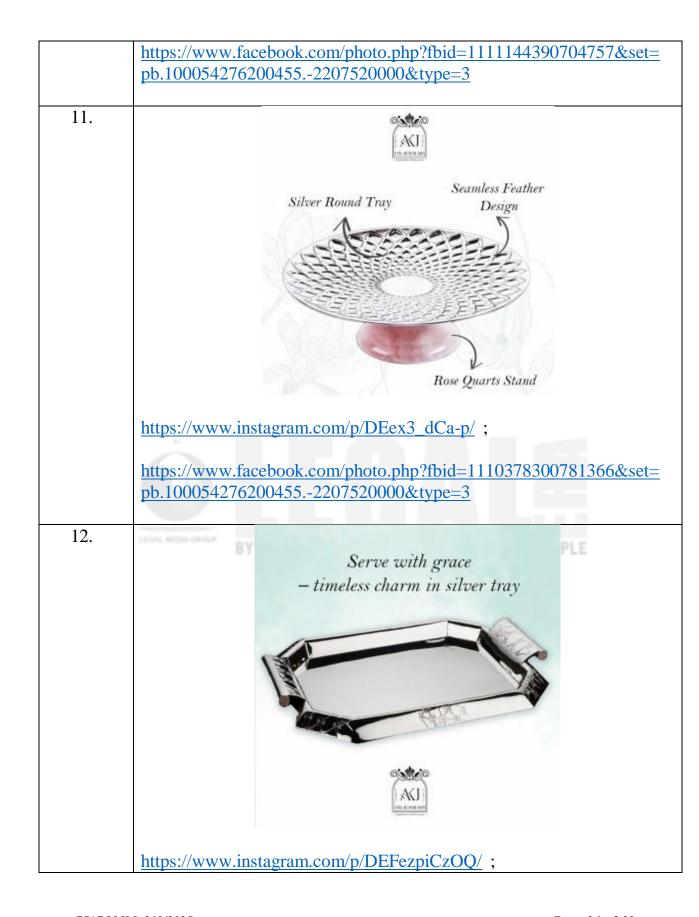


https://www.instagram.com/p/DEzsJIXCUE4/

https://www.facebook.com/photo.php?fbid=1115864230232773&set=



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https://www.facebook.com/photo.php?fbid=1103579288127934&set= pb.100054276200455.-2207520000&type=3 13. https://www.instagram.com/p/DEaAeyhi4iZ/; BY THE PEOPLE. FOR THE PEOPLE. OF THE PEOPLE https://www.facebook.com/photo.php?fbid=1108987877587075&set= pb.100054276200455.-2207520000&type=3 14.

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https://www.instagram.com/p/DEDAn9hiVhw/;

 $\frac{https://www.facebook.com/photo.php?fbid=1102942328191630\&set=pb.100054276200455.-2207520000\&type=3$

15.



 $\underline{https://www.instagram.com/p/DDwyR5iCmt_/} \ ;$

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https://www.facebook.com/photo.php?fbid=1098061015346428&set=pb.100054276200455.-2207520000&type=3

16.



https://www.instagram.com/p/DDow01gCqLR/ ;

 $\frac{https://www.facebook.com/photo.php?fbid=1095892388896624\&set=pb.100054276200455.-2207520000\&type=3$

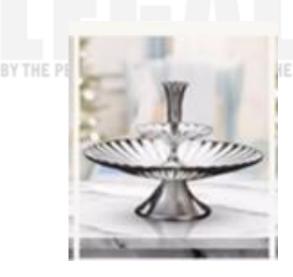
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17.

https://www.instagram.com/p/DDe78s-iUJ8/;

 $\underline{https://www.facebook.com/photo.php?fbid=1093289852490211\&set=}$ pb.100054276200455.-2207520000&type=3

18.



https://www.instagram.com/p/DDjFbdYCkRs/

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