

A.No.8319 of 2014 in C.S.No.665 of 2014
and
A.Nos.8320 to 8323 of 2014 in O.A.Nos.817 to 820 of 2014
and
A.No.8324 of 2014 in A.No.6463 of 2014
and
A.Nos.7617 & 7407 of 2014 in C.S.No.665 of 2014

R.SUBBIAH, J.,

Application No.7407 of 2014 has been filed by the applicant/3rd defendant seeking to delete name of the 3rd defendant from the list of defendants in the suit.

2.Similarly, application No.7617 of 2014 has been filed by the applicant/2nd defendant seeking for deletion of its name from the array of parties in the suit.

3.Application No.8319 of 2014 has been filed by the applicant/plaintiff seeking to implead the respondents 4 & 5 herein/proposed parties viz., 1)M/s.Godaddy.com, LLC, having their office at 14455, N.Hayden Road, #219, Scottsdale, Arizona 85260, United States of America, as the 4th defendant, and 2)M/s.Google Inc. 1600, Amphitheatre Parkway, Mountain View, CA 94043, United States of America, as the 5th defendant in the suit.

4.Application Nos.8320 to 8323 of 2014 have been filed by the applicant/plaintiff seeking to implead the respondents 4 & 5 herein/proposed parties viz., 1)M/s.Godaddy.com, LLC, having their office at 14455,

N.Hayden Road, #219, Scottsdale, Arizona 85260, United States of America, as the 4th respondent, and 2)M/s.Google Inc. 1600, Amphitheatre Parkway, Mountain View, CA 94043, United States of America, as the 5th respondent in O.A.Nos.817 to 820 of 2014 in C.S.No.665 of 2014.

5.Application No.8324 of 2014 has been filed the applicant/plaintiff praying to implead the respondents 4 & 5 herein / proposed parties viz., 1)M/s.Godaddy.com, LLC, having their office at 14455, N.Hayden Road, #219, Scottsdale, Arizona 85260, United States of America, as the 4th respondent, and 2)M/s.Google Inc. 1600, Amphitheatre Parkway, Mountain View, CA 94043, United States of America, as the 5th respondent in A.No.6436 of 2014 in C.S.No.665 of 2014.

6.The plaintiff has filed the above applications viz., A.Nos.8319 to 8324 of 2014, stating that in paragraph 4 of the affidavit filed in support of A.No.7617/2014 that the 2nd defendant has stated that M/s.Godaddy.com LLC, 14455, N.Hayden Road, #219, Scottsdale, Arizona 85260, United States of America is the registrar of the domain name, www.puravankaraprojects.com. Similarly, the 3rd defendant is also stating that they are only the subsidiary of M/s.Google Inc. 1600, Amphitheatre Parkway, Mountain View, CA 94043, United States of America and that the 3rd defendant does not provide hosting service for any websites. In view of the statements made by the defendants 2 & 3, the present applications have

been filed by the plaintiff seeking to implead the proposed parties as defendants 4 & 5.

7.The proposed 4th defendant has also filed a counter affidavit contending that the present suit is not maintainable against the proposed 4th defendant as the proposed 4th defendant is neither a necessary party nor a proper party to the suit; the presence of the proposed 4th defendant is not required in order to to adjudicate the issues involved in the suit.

8.In the affidavit filed in support of the Application No.7617 of 2014 to delete the name of the 2nd defendant from the list of defendants in the suit, it has been stated by the 2nd defendant that the impugned domain name www.purvankaraproject.com is registered by M/s.Go Daddy/com LLC, which is located at 14455 N.Hayden Road #219, Scottsdale, AZ 85260, United States of America; further, M/s.Go Daddy India Domains and Hosting Services Private Limited (2nd defendant) is a totally separate working entity from M/s.Go Daddy.com LLC.

9.Similarly, in the affidavit filed in support of the Application No.7407 of 2014 to delete the name of the 3rd defendant from the list of defendants in the suit, it has been stated by the 3rd defendant that 3rd defendant is a subsidiary of M/s.Google Inc., a company incorporated under the laws of the United States of America, located at 1600 Amphitheatre Parkway, Mountain

View, CA 94043, United States; further, the 3rd defendant does not host any website or provide or control the provision of any services, whereby any content can be uploaded by users.

10. I have carefully heard the submissions made by the learned counsel on either side and perused the materials available on record.

11. Considering the submissions made on either side and the averments in the affidavits filed in support of the respective applications, I am of the opinion that the above applications could be ordered as prayed for.

12. Accordingly, all the above applications are allowed as prayed for. The names of the defendants 2 & 3 are ordered to be deleted from the list of defendants in the suit. The proposed parties, as sought for by the plaintiff, are ordered to be impleaded as parties to the suit and in the respective applications. The plaintiff is directed to carry out necessary amendments in the cause title.

Post the matter after eight weeks.

12.02.2015

ssv

R.SUBBIAH, J.,

SSV

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in
C.S.No.665 of 2014

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