

JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.874 OF 2015
IN
SUIT NO.145 OF 2015

Google India Pvt. Ltd. ...Applicant

In the matter between
Rajiv Ramlabhaya Suri ...Plaintiff
Versus

Mr. Pinakin Rajendra Thakkar & Ors. ...Defendants

Mr. Ajit Anekar, *with Mr. Thomas James for the Plaintiff.*
Ms. Simeen Shaikh *with Ms. Rashoni Patil i/b. M/s. S.K. Srivastava*
& Co. for Defendants Nos.1 & 2.
Mr. Cyrus Ardeshir, *with Lard J., with S.M. Algaus i/b. M/s. M*
Mulla & Associates for Defendant No.6.

CORAM: G.S. PATEL, J.
DATED: 31st March 2016

P.C.

1. The Plaintiff alleges that his copyright in the Hindi Feature Film named “**PARWANA**” has been infringed by making this film available *inter alia* on the Internet. Defendant No.6 to the Suit is Google India Pvt. Ltd. and it has filed this Chamber Summons seeking an order that it be deleted as a Defendant to the Suit.

2. Mr. Ardeshir for Google India points out that the allegations in the Plaint relate to uploading of copyright-protected material to YouTube, a service or web property of YouTube LLC, a wholly owned subsidiary of the US corporate entity, Google Inc.
3. Google India Pvt. Ltd. is another wholly owned subsidiary company of Google Inc., but Google India has absolutely nothing to do with YouTube LLC, except that they are, so to speak, siblings of one parent. Just because Google India is in closer physical proximity is no reason to join it as a party Defendant to the Suit.
4. The Chamber Summons is made absolute in terms of prayer clauses (a) and (b). Amendment to be carried out, without need of re-verification, on or before 7th April 2016.
5. To enable Mr. Anekar to take instructions as the current status of the uploaded material, stand over to 11th April 2016.

(G. S. PATEL, J.)