

JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.92 OF 2016
IN
SUIT NO.502 OF 2015

Google India Private Limited	...Applicant
<i>In the matter between</i>	
Goldmines Telefilms Private Limited	...Plaintiff
<i>Versus</i>	
Sai Entertainment Private Limited and others	... Defendants

Mr. Ganesh Ambekar, *i/b Thakore Jariwala for the Plaintiff.*
Mr. S.M. Algaus, *i/b M. Mulla Associates for the Defendant No.5.*

CORAM: G.S. PATEL, J
DATED: 29th July 2016

PC:-

1. This Chamber Summons is by the 5th Defendant, Google India Pvt. Ltd. ("**Google India**"). It has been served. There is no reply. By this Chamber Summons, Google India seeks to be deleted from the array of parties.

2. The Chamber Summons should be allowed. The Suit is filed on the basis that by uploading some films to YouTube, a web service operated by the 6th Defendant, YouTube LLC, a separate entity incorporated overseas, Defendants Nos. 1 to 4 have violated and

infringed the Plaintiffs' copyright. Even if that is so, it does not explain why the Google India has been joined as party Defendant in the Suit. The Plaint proceeds on the wholly incorrect assumption that since YouTube LLC is controlled or owned by Google Incorporated, an overseas Company, therefore, Google India, the 5th Defendant, exercises control over YouTube LLC. There is nothing to show this. Google India Private Limited does not control, manage or operate the 6th Defendant or its affairs.

3. The Chamber Summons is made absolute in terms of prayer clause (b). Defendant No.5 is deleted as party Defendant to the Suit.

4. Amendments to be carried out in both Suits as also in all pending Notices of Motion without the need of reverification on or before 12th August 2016.

(G. S. PATEL, J.)