

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 796 OF 2018
IN
SUIT NO. 446 OF 2011

Shree Bihari Estates Pvt. Ltd.

... Applicant /
Original Plaintiff

Versus

Ozo Media Estate Ltd. and Ors.

... Defendants

And

Google Inc. USA & Ors.

.... Respondents

Ms. Pranjali Bhandari for the Plaintiff.

Mr. Pandit Kasar for Defendant Nos. 1, 2, 4, 5, 6 & 7

Mr. Dinesh Pednekar and Mr. C. Keswani i/by M/s. Economic Laws Practice, for Respondent Nos.1 and 2.

Mr. Danesh Mehta i/by M/s. M. Mulla Associates, for Respondent No.3.

Dr. Abhinav Chandrachud with Mr. Amol Joshi i/by Ms. Poorvi Kamani, for Respondent No.4

CORAM: S.J. KATHAWALLA, J.
DATE: 10th APRIL, 2018

P.C.:

1. Heard the learned Advocates for the parties. Perused the Notice of Motion and the Affidavit in support thereto. By consent of the Plaintiff and the Defendant Nos. 1, 2, 4, 5, 6 & 7, and after hearing the Respondents, the following Order is passed.
2. For reasons set out in the Affidavit in support, it is clarified that Clauses 6, 7 and 8 of the Consent Minutes of Order dated 11-12-2015 (taken on record by this Court by an order dated 17-12-2015) and clauses 2, 3, 6, 7 and 8 of the modified Consent

Minutes of Order dated 27-07-2016 (taken on record by this Court by an order dated 29-07-2016) shall not be binding on Google Inc., YouTube LLC, First Post and Google India Private Limited. For reasons set out in the Affidavit in support of the Notice of Motion, Paragraph 2(iii) (a), (b) and (d) of the order dated 17-12-2015 is hereby recalled.

3. For reasons set out in the Affidavit in support of Notice of Motion, the Order dated 5-5-2017 is recalled. However, it is further clarified that all the terms between Plaintiff and Defendants agreed to under the Consent Minutes of Order dated 11-12-2015 and modified Consent Minutes of Order dated 27-07-2016 and also the Orders dated 17-12-2015 and 29-7-2016 in terms thereof, shall not be binding on IE Online Media Services Pvt. Ltd.

4. However, it is further clarified that all the terms between Plaintiff and Defendants in the captioned suit(s) agreed to under the consent minutes of order dated 11-12-2015 and modified consent minutes of the order dated 27-07-2016 shall be binding on the parties to the captioned suit(s). It is further clarified that this order shall in no way preclude the parties from complying and/or enforcing the order passed by the Delhi High Court dated 29-11-2017. The Plaintiffs and/or Defendants shall be at liberty to take out appropriate proceedings against Google Inc., YouTube LLC and IE Online Media Services Pvt. Ltd. seeking appropriate reliefs, which if taken out will be decided on its own merit.

5. The Respondents agree that no detailed reasons be given in support of this Order.

6. The Notice of Motion is accordingly disposed off.

(S.J.KATHAWALLA, J.)