

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.1455 OF 2016
IN
SUIT NO.185 OF 2011**

Google Inc, USA and You Tube, LLC	...	Applicants
and		
Naina Estates Pvt. Ltd.	...	Plaintiff
versus		
Ozo Media Estate Ltd. and Ors.	...	Defendants

Mr. Darius Khambata, Senior Advocate with Mr. Vikram Deshmukh, Mr. Dinesh Pednekar, Mr. C. Keswani i/by M/s. Economic Laws Practice, for Applicants in NMS No.1455 of 2016.

Mr. Bhandari i/by Ms. Pranjali Bhandari, for Plaintiff.

Mr. Pandit Kasar, for Defendants.

Mr. Ashok Mahindru with Mr. Anand Mahindru, present.

CORAM: S.J. KATHAWALLA, J.

DATE: 4th JANUARY, 2018

P.C.:

1. Heard the learned Advocates for the parties. Perused the Notice of Motion and the Affidavit in support thereto. For reasons set out in the Affidavit in support of the Notice of Motion, it is clarified that Clauses 6, 7 and 8 of the Consent Minutes of Order dated 11-12-2015 and clauses 2, 3, 6, 7 and 8 of the modified Consent Minutes of Order dated 27-07-2016 shall not be binding on Google Inc, YouTube LLC and First Post. 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 17th December, 2015 is hereby recalled.

2. 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 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 the Applicant seeking appropriate reliefs.

3. The Notice of Motion is accordingly disposed off.

(S.J.KATHAWALLA, J.)