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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 150/2020 & I.A. No. 4151/2020**

RAHUL MITTRA

.....Plaintiff

Through: Mr. Vishal Gohri, Advocate.

versus

GOOGLE LLC & ANR.

.....Defendants

Through: Ms. Mamta Jha, Advocate for
defendant no. 1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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25.08.2020

[Court hearing convened *via* video-conferencing on account of COVID-19]

1. Mr. Vishal Gohri, who appears on behalf of the plaintiff, has drawn my attention to the affidavit of service dated 25.07.2020. Based on the aforementioned affidavit, Mr. Gohri has emphasised that defendant no. 2 stands served *via* email.
2. The record shows that this stand was taken by the plaintiff on 24.07.2020 as well when the affidavit of service referred to hereinabove was not on record.
3. Defendant no. 2 is not represented today. In these circumstances, defendant no. 2 is proceeded with *ex-parte* in the matter.
4. Ms. Mamta Jha, who appears on behalf of defendant no. 1, says that since the last date, there has been a development in the matter.
5. It has been brought to my notice that the uploader i.e. defendant no. 2 appears to have, on his own, taken down the subject movie.

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6. Ms. Jha says that this information, in the form of a document, has been filed today *via* the online portal of this Court. Ms. Jha has shared the said document, on screen, in the course of hearing.

7. At this juncture, I have put to Mr. Gohri as to whether it will serve any purpose in continuing the proceedings any further.

7.1 Mr. Gohri has indicated that, for the moment, the plaintiff's grievance, at least insofar as the infringement of his statutory rights are concerned, stands satisfied.

7.2 Mr. Gohri also indicates that since defendant no. 2 is more like a phantom, the plaintiff would be spending good money after bad if he was to chase the said defendant any further for damages.

7.3 Therefore, Mr. Gohri's limited submission is that if there are any infringing videos uploaded hereafter *qua* the subject film i.e. *Saheb Bibi and Gangster*, the plaintiff would be satisfied if he was allowed to avail of the mechanism put in place by defendant no. 1 with a direction to the said defendant to deal with the request expeditiously and to initiate necessary steps for taking down the URL brought to its attention concerning the infringing video.

8. Given the aforesaid submissions and the record of the case, the suit is decreed in the following terms: -

(i) Defendant no. 1 will ensure that the URL concerning the subject film remains disabled.

(ii) In case any infringing videos are uploaded hereafter *qua* the subject film, upon the plaintiff taking recourse to the mechanism put in place by defendant no. 1, and providing the necessary information in the form of a URL, defendant no. 1 will act upon the same, *albeit*, as per law.

(iii) Defendant no. 2 is injuncted, permanently, from uploading the subject film.

9. A decree will be drawn up in the aforesaid terms. Consequently, the pending application shall stand closed.

10. The suit papers shall stand consigned to record.

RAJIV SHAKDHER, J

AUGUST 25, 2020

C/KK

Click here to check corrigendum, if any

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