

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(232-2)

CR No. 1561 of 2019 (O&M)
Date of Decision : 27.03.2023

Rajesh Dasuja

...Petitioner

Versus

Ebay India Pvt. Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Petitioner in person with
Mr. Gourave Bhayyia, Advocate.

Mr. Tapish Gupta, Advocate for respondent No. 6.

Mr. M.L. Sarin, Senior Advocate with
Mr. Saraansh, Advocate with
Mr. Kanwardeep, Advocate
for respondent No. 7.

Harsimran Singh Sethi J. (Oral)

CM-16304-CII-2019

Present application has been filed for placing on record the documents.

Application is allowed and the documents are taken on record with all just exceptions.

CM-5921-CII-2021

Application is allowed. Documents are taken on record.

CR No. 1561 of 2019

The present civil revision petition has been filed challenging the order dated 12.11.2018 (Annexure P-6) by which, the application filed by the petitioner-plaintiff for impleading Google LLC as respondent No. 7 to the Civil Suit No. 4/2015/2017/2018 has been dismissed.

Learned counsel for the petitioner-plaintiff argues that he has filed a civil suit against various entities for rendition of the account and regarding the sale of his various books without authorization and also claiming damages/compensation for using/selling of his books illegally and without authority. In the said suit, Google India Private Limited, having office in Gurgaon, was impleaded as respondent-defendant No. 6.

Google India Private Limited filed an application for deletion of its name by claiming that the grievance of the petitioner-plaintiff is actually against Google LLC and not against Google India Private Limited as the Google LLC is the main party against whom, the grievance of the petitioner-plaintiff lies. The application filed by the Google India Private Limited was allowed by the trial court vide order dated 21.08.2018.

After the deletion of the name of respondent No. 6, the petitioner-plaintiff filed an application under Order 1 Rule 10 CPC for impleading Google LLC as a party-defendant No. 7, which application has been dismissed by the trial court vide impugned order dated 12.11.2018. The said order is under challenge in the present civil revision petition.

The question, which has been raised before this Court is whether Google LLC is a proper and necessary party in the suit and needs to be impleaded as a defendant or not.

It may be noticed here that in the original suit filed, Google

India Private Limited was made party-defendant No. 6, which was objected to by the said defendant No. 6 projecting that it is the Google LLC against whom the grievance of the petitioner-plaintiff lies, which assertion of defendant No. 6 was accepted by the court below and the name of defendant No. 6 was deleted from the array of parties.

In order to implead Google LLC as a party-defendant, due application was moved by the petitioner-plaintiff, which has been rejected by the trial Court. The situation, which has emerged is that as of now, neither Google India Private Limited is a party to the suit nor Google LLC has been allowed to be impleaded as party defendant to the suit, which is really causing prejudice to the petitioner-plaintiff.

Learned counsel appearing on behalf of Google LLC very fairly submits that they never objected to be impleaded as a party defendant but the Courts in its wisdom did not allow the application filed by the petitioner-plaintiff. Learned counsel further submits that in case, this Court impleads the Google LLC as a party to the suit, they will very fairly contest the claim as they have nothing to hide.

Keeping in view the above, the impugned order dated 12.11.2018 (Annexure P-6) is set-aside and the Google LLC, which is sought to be impleaded as party-defendant No. 7, is allowed. Google LLC is impleaded as defendant No. 7 in the Civil Suit No. 4/2015/2017/2018. The trial Court is directed to proceed with the said suit in accordance with law hereinafter.

It may be noticed that this Court is not opining upon any issue as to whether, the Google India Private Limited should be allowed to be

deleted as a party or not as the same will be decided by the competent court of law where the said proceedings are pending as of now before this Court in an another civil revision.

It is also made clear that in case, there is any valid justification with the defendant that the suit is not maintainable, the newly added defendant will be free to avail all the remedies available.

Civil revision petition is disposed of in above terms.

March 27, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No