



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2025

WEB COPY

CORAM

**THE HONOURABLE DR JUSTICE ANITA SUMANTH
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**OSA No. 20 of 2025
AND
CMP NO. 1942 OF 2025**

1. Google Llc

India Liaison Office, Unit No.26, The
Executive Centre, Level8, DLF Centre,
Sansad Marg, Connaught Place, New
Delhi - 001.

Appellant(s)

Vs

1. G. Venkatachalam

S/o. K. Govindan, No.91/169,
Kattuchothanvalavu, Sooramangalam
Post, Solampallam, Salem District.

2.A.V. Raju

D.No.1/436, Paarai Post, Azhagapuram,
Salem District -16.

3.Sun Tv Network Limited (corporate
Office)

Murasolimarman Towers, No.73, MRC



Nagar Main Road, MRC Nagar,
Chennai - 28.

WEB COPY

4.Kalaigiar Tv Pvt Ltd
No.367/369, Anna Salai, Teynampet,
Chennai - 018.

5.The Editor
Dhinakaran Newspaper, Kal
Publication Murasoli Maran Towers,
IIIrd Floor No.73, MRC Nagar,
Chennai - 028, Tamil Nadu.

6.The Editor
Tamil Murasu, No.229, Kutcheri Road,
Vinayaka Nagar Colony, Mylapore,
Chennai - 004.

7.You Tube Llc
Cherry Avenue, San Bruno California
94066, USA.

Respondent(s)

CMP No. 1942 of 2025

1. Google Llc
India Liaison Office, Unit No.26, The
Executive Centre, Level 8, DLF Centre,
Sansad Marg, Connaught Place, New
Delhi - 001.

Appellant(s)

Vs

1. G. Venkatachalam



S/o. K. Govindan, No.91/169,
Kattuchothanvalavu, Sooramangalam
Post, Solampallam, Salem District.

WEB COPY

2.A.V. Raju
D.No.1/436, Paarai Post, Azhagapuram,
Salem District -16.

3.Sun Tv Network Limited (corporate
Office)
Murasolimaran Towers, No.73, MRC
Nagar Main Road, MRC Nagar,
Chennai - 28.

4.Kalaighar Tv Pvt Ltd
No.367/369, Anna Salai, Teynampet,
Chennai - 018.

5.The Editor
Dhinakaran Newspaper, Kal
Publication Murasoli Maran Towers,
IIIrd Floor No.73, MRC Nagar,
Chennai - 028, Tamil Nadu.

6.The Editor
Tamil Murasu, No.229, Kutcheri Road,
Vinayaka Nagar Colony, Mylapore,
Chennai - 004.

7.You Tube Llc
Cherry Avenue, San Bruno California
94066, USA.

Respondent(s)



PRAYER

To allow the appeal, set aside the order dated 22.11.2024 passed by Honble

WEB COPY

Court in A.NO.5973 of 2024 in CS No.48 of 2024.

CMP No. 1942 of 2025

PRAYER

To pass an order of ad-interim stay of all proceedings in CS No.48 of 2024 until disposal of the present appeal.

OSA No. 20 of 2025

For Appellant(s): Mr.G. Balasubramanian
For M/s Leela And Co.

For Respondent(s): Mr.R.Sai Manohar For R1.
Mr.Vinayaga Vishwa For R2.
Mr.D.Prajeish For M/s.King And
Patridge, For R3.
Mr.S.Manuraj For R4.
R7 Given Up - Endorsement
made by the counsel.

JUDGMENT

(Judgment of the Court was delivered by Dr.Anita Sumanth J.)

This appeal is filed by D6 in the suit. The suit was filed by R1 in this appeal,
an individual, and the prayer in the suit was for permanent injunction restraining

the first defendant in suit, being R2 in this appeal, from granting an interview or



WEB COPY

circulating news item in any media including social media containing false and defamatory allegations against the plaintiff, publishing or circulating any article or interview containing false and defamatory allegations against the plaintiff.

2. In addition, a mandatory injunction was sought directing D6, the present appellant, and R7 (D7 in suit), (You Tube LLC based at United States of America) to remove the online video pertaining to an interview of R1 given to R2 (D2 in suit) and R3 (D3 in suit) on 17.02.2024 and 18.02.2024, said to contain defamatory and derogatory allegations against R1 assassinating his character apart from containing degrading allegations against certain actors, damages and costs.

3. The parties are referred to as per their array in this appeal. After the receipt of summons, there has been a delay of 156 days in filing of written statement by the appellant for which an application for condonation was filed. The learned Judge has dismissed the application by order dated 22.11.2024, as against which the present appeal has been instituted.

4. The basis of the plea for condonation was that necessary instructions for drafting of written statement had to be secured from different Departments of

Google Headquartered at the United States of America. This is the only reason set



WEB COPY

out in the application for condonation. The appellant also points out that the plaintiff had not provided the Uniform Resource Locator (URL) of the video said to contain the defamatory statements of R1. It was hence impossible for the appellant to identify the same and remove the offending video from the internet till such time the URL was furnished.

5. Mr.G.Balasubramanian, learned counsel, who appears for the appellant, Google LLC reiterates the plea for condonation as put forth in the application.

6.Reference is made to the judgment of the Supreme Court in the case of *Shreya Singhal v. Union of India* [(2015) 5 SCC 1] and of the Delhi High Court in *FIITJEE Limited v. Vidya Mandir Classes Ltd.* [LA.No.16137/2021 in CS.No.656 of 2021]. He would incidentally point out that it was routine to allow applications for delay in filing of written statement and hence, the learned Judge was in error in taking such a rigid stand.

7.Per contra, Mr.R.Sai Manohar, learned counsel appearing for R1 would support the impugned decree and judgment, assailing which the present appeal has been filed. Though initially a defence was taken that the offending videos had been filed along with the plaint and contained the requisite URLs, this is found to be



incorrect as the videos are not a format that contain the URL. Hence, and to this extent, it remains for the appellant to furnish the requisite particulars of URL.

8. We have heard learned counsel and perused the materials placed on record.

9. In *Shreya Singhal* (supra), the Court held that an intermediary is bound to abide by the Court order or Notification from appropriate Government or its agency to take down objectionable content/videos from the internet. In the present case, it is not in question that, if this Court ultimately finds after trial that the video did contain offensive/defamatory statements, R1 would necessarily have to take the same down, though after being provided with the requisite URL. Hence, reliance on the judgement in *Shreya Singhal* (supra) does not advance the case of the appellant in any way.

10. In *FIITJEE Limited* (supra), the Delhi High Court has reiterated that it is only in cases where URLs are provided that an intermediary would be in a position to comply with Court orders to take down offensive videos. There is no quarrel on this proposition.

11. We are, in this appeal concerned with whether the delay of 156 days in



filing the written statement is liable to be condoned. We do not believe that the

delay in filing written statement must be considered or allowed in as routine a

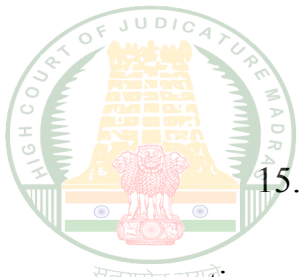
manner as urged by the appellant.

12. More importantly, we do not agree with the reasons seeking to justify the delay of 156 days. The learned Judge finds, on a perusal of the affidavit that it has been executed by the attorney of the appellant based in Delhi. Since under the Civil Procedure Code, it is necessary that the written statement be filed within 90 days from date of receipt of summons, it should have been ensured that the requisite particulars were culled in time, particularly in the present age of advanced technology.

13. No specific instances leading to difficulty or delay in collection of particulars has been cited by the appellant. In fact, the only defence in the written statement is that the URL of the allegedly offensive video has not been supplied, in the absence of which, an intermediary was not in a position to locate the video.

14. This appears to have been the defence from day one onwards, and this plea, a legitimate one, could well have figured in the written statement filed within

time and does not explain the delay of 156 days.



15. In light of the discussion as above, and balancing the interests of the parties, we allow this appeal and condone the delay of 156 days in filing of written statement though putting the appellant to terms.

16. The appellant shall remit a sum of Rs.1,00,000/- (Rupees one lakh only) to the High Court Legal Services Authority within a period of four (4) weeks from date of receipt of a copy of the judgment, upon compliance of which, this appeal shall be taken to be allowed. No costs. Connected miscellaneous petition is closed.

(ANITA SUMANTH J.)(C.KUMARAPPAN J.)

11-03-2025

vs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

OSA No. 20 of 2025

To

1.G. Venkatachalam

S/o. K. Govindan, No.91/169,

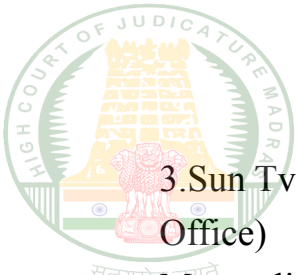
Kattuchothanvalavu, Sooramangalam

Post, Solampallam, Salem District.

2.A.V. Raju

D.No.1/436, Paarai Post, Azhagapuram,

Salem District -16.



3.Sun Tv Network Limited (corporate Office)

Murasolimaran Towers, No.73, MRC Nagar Main Road, MRC Nagar, Chennai - 28.

4.Kalaighar Tv Pvt Ltd

No.367/369, Anna Salai, Teynampet, Chennai - 018.

5.The Editor

Dhinakaran Newspaper, Kal Publication Murasoli Maran Towers, IIIrd Floor No.73, MRC Nagar, Chennai - 028, Tamil Nadu.

6.The Editor

Tamil Murasu, No.229, Kutcheri Road, Vinayaka Nagar Colony, Mylapore, Chennai - 004.

7.You Tube Llc

Cherry Avenue, San Bruno California 94066, USA.

CMP No. 1942 of 2025

To

1.G. Venkatachalam

S/o. K. Govindan, No.91/169, Kattuchothanvalavu, Sooramangalam Post, Solampallam, Salem District.



2.A.V. Raju

D.No.1/436, Paarai Post, Azhagapuram,
Salem District -16.

3.Sun Tv Network Limited (corporate
Office)

Murasolimaran Towers, No.73, MRC
Nagar Main Road, MRC Nagar,
Chennai - 28.

4.Kalaighnar Tv Pvt Ltd

No.367/369, Anna Salai, Teynampet,
Chennai - 018.

5.The Editor

Dhinakaran Newspaper, Kal
Publication Murasoli Maran Towers,
IIIrd Floor No.73, MRC Nagar,
Chennai - 028, Tamil Nadu.

6.The Editor

Tamil Murasu, No.229, Kutcheri Road,
Vinayaka Nagar Colony, Mylapore,
Chennai - 004.

7.You Tube Llc

Cherry Avenue, San Bruno California
94066, USA.



WEB COPY

OSA No. 20 of 2025



DR.ANITA SUMANTH J.
AND
C.KUMARAPPAN J.

VS

OSA No. 20 of 2025
AND CMP NO. 1942 OF
2025

11-03-2025