



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

A No. 2979 of 2025

in

C.S.No.395 of 2019

Matrimony.com Limited
No.94, TVH Beliciaa Towers, Tower-2, 10th
Floor, MRC Nagar, Mandaveli, Chennai 600028,
represented by Mr. Krishnan. K
Authorized Signatory

..Applicant(s)

Vs

1. People Interactive Pvt Ltd
Old No.124/1, New No.14, Heera Panna
Complex, 2nd Floor, G.N.Chetty Road,
T.Nagar, Chennai 600 017.
2. Google India Pvt Ltd
No.3, RMZ Infinity Tower E 3rd, 4th and 5th
Floors, Old Madras Road, Bangalore 560 016.
3. Google LLC
1600 Amphitheatre Parkway Mountain View,
CA 94043

..Respondent(s)

PRAYER: Judge's summons under Order XIV Rule 8 of O.S.rules read with Order I Rule 10(2) of CPC praying to implead Google India Pvt Ltd., as the 2nd Defendant and Google LLC as the 3rd Defendant in C.S.NO.395 of 2019 and also allow consequential plaint amendments wherever necessary.

For Applicant(s):

M/s.Arun C Mohan

For Respondent(s):

Mr.Yatin Kochare



Ms.Preetha Natarajan
for M/s.Krishna and Saurastri Associates for R1

Mr.R.S.Diwaagar
for M/s.Vivriti Law for R2

Mr.G.Balasubramanian
for M/s.Leegal & Co. for R3

ORDER

The primary actors in this suit are two behemoths in the online matrimonial search industry. The suit was instituted in the year 2019 for remedies in respect of alleged infringement of trademark and passing off. The plaintiff has applied in 2025 to implead two Google entities as defendants 2 and 3 in the suit.

2. Learned counsel for the plaintiff submits that the proposed defendants are necessary or proper parties. Relying on Order I Rule 10(2) of the Code of Civil Procedure, 1908 (the CPC), learned counsel contends that an application to add a party may be filed at any stage of the suit. He relies on the judgment of the Hon'ble Supreme Court in *Mumbai International Airport Private Limited v. Regency Convention Centre and Hotels Private Limited and Others*, (2010) 7 SCC 417.

3. The application is strongly opposed by the original and proposed defendants. Learned counsel for the original defendant submits that the plaintiff



had earlier filed C.S.No.832 of 2009 and that said suit was also directed against the proposed defendants. He contends that the cause of action for this suit is identical to that of earlier suit. He also points out that the Hon'ble Supreme Court directed that all connected suits be heard and disposed of jointly. Consequently, he contends that the present application, if allowed, would delay the prosecution of the suits. He adds that several rectification petitions were filed by the defendant and that the prosecution of such petitions would also be impacted if the proposed defendants were to be added as parties. Relying on the judgment of the Division Bench in the earlier suit (*Consim Info Pvt. Ltd. v. Google India Pvt. Ltd. And Ors. (2012) 5 LW 1*, and the judgment of the Division Bench of this Court dated 13.03.2020 in O.S.A. Nos.4 to 12 of 2020, learned counsel contends that the remedy against the alleged violation of undertaking by the Google entities is not by adding them to the later suit. He also relies upon the judgment of the Hon'ble Supreme Court in *Revajeetu Builders and Developers v. Narayanaswamy and Sons and Others, (2009) 10 SCC 84*, with regard to the discretionary power of the Court under Order VI Rule 17 of CPC. Without prejudice, he submits that if the application were to be allowed, the rectification petitions may be de-tagged so that such petitions may be prosecuted expeditiously.

4. Learned counsel for the proposed third defendant opposed the application primarily on the grounds of delay and absence of any *bona fide*



explanation for the failure to lodge such application earlier. In support of the contention that the Court exercises discretionary powers in such matters, he relies on the judgment of the Hon'ble Supreme Court in *Alkapuri Cooperative Housing Society Limited v. Jayantibhai Naginbhai*, (2009) 3 SCC 467. He also points out that the period of limitation as regards a newly added party cannot be extended by filing such application. In support of this contention, he relies on the judgment of this Court in *Kaliammal v. Karuppan and 2 others*, 2001-1-LW-865. In view of the belated filing of this application, he submits that the application is liable to be rejected. For this proposition, he relies on the judgment of the Delhi High Court in *Golesh Kumar v. Ganesh Dass Chawla Charitable Trust (Regd)*, 2006 (89) DRJ 417 (DB).

5. Learned counsel for the proposed second defendant also opposes the application. He points out that the affidavit in support of the application does not provide any cogent reasons for the request to add the proposed second defendant. Adverting to the counter affidavit of the proposed second defendant, learned counsel submits that the proposed second defendant is merely a non-exclusive reseller of the online advertising space on AdWords, marketing, and designing engineering solutions and development of software solutions/programs.



6. Order I Rule 10(2) reads as under:

“(2) Court may strike out or add parties.—The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.”

As is evident from the above extract, a party may be added or deleted from the array of parties at any stage either *suo motu* by the Court or on application by either party. It is also clear that such addition may be made if the presence of such party is necessary to enable the Court effectually and completely to adjudicate all questions involved in the suit.

7. Said provision was interpreted by the Hon’ble Supreme Court in *Mumbai International Airport*. Paragraph-15 explains the concept of necessary and proper party and the same is set out below:

“15. A “necessary party” is a person who ought to have been joined as a party and in whose absence no effective decree could be passed at all by the court. If a



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“necessary party” is not impleaded, the suit itself is liable to be dismissed. A “property party” is a party who, though not a necessary party, is a person whose presence would enable the court to completely, effectively and adequately adjudicate upon all matters in dispute in the suit, though he need not be a person in favour of or against whom the decree is to be made. If a person is not found to be a proper or necessary party, the court has no jurisdiction to implead him, against the wishes of the plaintiff. The fact that a person is likely to secure a right/interest in a suit property, after the suit is decided against the plaintiff, will not make such person a necessary party or a proper party to the suit for specific performance.”

8. The case of the plaintiff is that the defendant is infringing its registered trademark *inter alia* on account of activities carried out through the intermediation of the proposed defendants. In the earlier suit, C.S.No.832 of 2009, remedies were sought not only against the defendant herein but also against the proposed defendants. At this juncture, the plaintiff has not requested for an amendment of pleadings, including the request for relief. In the earlier suit, the proposed defendants provided an undertaking that a policy is in place and that such policy does not provide for the use of registered trademarks in the title and text of the advertisement. Alleging that such undertaking was breached by the Google entities, contempt petitions were filed in the year 2016. From the averments in the plaint, it appears that the plaintiff asserts that the defendant is



continuing to use the platform of the proposed defendants for purposes of committing acts of infringement.

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9. Given the nature and scope of the suit, it follows that the presence of proposed third defendant would certainly aid in the effective and complete adjudication of all issues arising for consideration. The proposed second defendant contended that said defendant is neither a necessary nor proper party.

At paragraph-20 of the counter, said proposed defendant stated as under:

“III. GIPL is appointed as a non-exclusive reseller of the online advertising space on AdWords (now the Google Ads program), marketing, and designing engineering solutions and development of software solutions/programs. GIPL is not in any way involved with, controlling the actual operation or functioning of the Google search engine available at www.google.com or www.google.in (the “Google Website” or “Google Search Engine”) or its other products such as the Google Ads or Google Play Store and the associated policies. Google LLC exclusively owns and controls the Google Search Engine, the Google Ads program and the Google play store App.”

10. Therefore, the admitted position is that the proposed second defendant is a non-exclusive reseller of the online advertising space on AdWords, marketing, and designing engineering solutions and development of



software solutions/programs. Therefore, notwithstanding the assertion that the proposed third defendant exclusively owns and controls the Google search engine, the Google Ads Program and the Google play store app, the proposed second defendant does play a role, albeit a limited role in comparison to the proposed third defendant. Hence, at a minimum, both the proposed defendants are proper parties.

11. The contention on behalf of the defendant and proposed defendants that the application was filed belatedly carries considerable merit. The present application has been lodged about six years after the suit was filed. Even the alleged breach of the undertaking was well within the knowledge of the plaintiff and the plaintiff lodged a contempt petition in the year 2016. As a consequence of filing this application belatedly, the prosecution of the connected suits and rectification petitions is also impacted. Therefore, the plaintiff has to be put on terms.

12. In the result, this application is allowed on the following terms:

(i) The plaintiff shall pay a sum of Rs.50,000/- as costs to the original defendant and a further sum of Rs.50,000/- as costs to Sankara Nethralaya, No.41, college Road, Thousand Lights West, Nungambakkam, Chennai-600 006. These payments shall be made within two weeks from the date of receipt of a copy of this order.



(ii) The amendments in the cause title shall be carried out on or before 29.04.2026. An amended plaint copy shall be served on the defendants within a week therefrom.

(iii) The plaintiff shall exercise best endeavours to ensure the expedited prosecution of all the connected suits and rectification petitions by extending utmost co-operation in such regard.

22-04-2026

Neutral Citation: Yes/No

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SENTHILKUMAR RAMAMOORTHY, J.

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C.S.No.395 of 2019**

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