



NC: 2025:KHC:24974
W.P. No.22125/2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 9TH DAY OF JULY, 2025
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.22125/2019 (GM-CPC)

BETWEEN:

GOOGLE INDIA PRIVATE LIMITED
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE
AT: NO.3, RMZ INFINITY-TOWER E
OLD MADRAS ROAD
4TH AND 5TH FLOORS
BANGALORE-560 016
REP. BY AUTHORIZED SIGNATORY
NAVPREET PANJRATH.

...PETITIONER

(BY SRI. MRINAL SHANKAR, ADV., FOR
SRI. ADITYA VIKRAM BHAT, ADV.,)

AND:

NAYANA KRISHNA
R/AT NO.103, RMV ORCHID
SEENAPPA LAYOUT
NEW BEL ROAD
BANGALORE-560 094.

...RESPONDENT

(BY SRI. AKARSH KANADE, ADV.,)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO CALL FOR RECORDS IN
O.S.NO.6216/2017 ON THE FILE OF THE LXIV ADDITIONAL CITY
CIVIL AND SESSIONS JUDGE [CCH-65] BENGALURU. SET ASIDE
THE IMPUGNED ORDER DTD:11.02.2019 ON IA NO.4 UNDER ORDER
1 RULE 10[2] OF CPC PASSED BY THE LXIV ADDITIONAL CITY CIVIL
AND SESSIONS JUDGE [CCH-65] BENGALURU [ANNEXURE-A

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by RUPA V
Location: High
Court of
karnataka



HERETO] AND DELETE THE PETITIONER [ARRAYED AS DEFENDANT NO.6 IN O.S.NO.6216/2017] FROM THE SUIT & ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This petition is filed seeking the following reliefs:

"(a) Call for records in OS.No.6216 of 2017 on the file of the LXIV Additional City Civil and Sessions Judge (CCH-65), Bengaluru;

(b) Set aside the Impugned Order dated 11.02.2019 on IA No.4 under Order 1 Rule 10(2) of CPC, passed by the LXIV Additional City Civil and Sessions Judge (CCH-65), Bengaluru (Annexure A hereto) and delete the Petitioner (arrayed as Defendant No.6 in OS.No.6216/2017) from the Suit."

2. Sri.Mrinal Shankar, learned counsel for the petitioner submits that the respondent has filed a suit in O.S.No.6216/2017 against various entities including the petitioner seeking the relief of permanent injunction restraining the defendants from posting and broadcasting photos, videos and by making derogative statement against the respondent-plaintiff affecting the reputation of the plaintiff in their websites, channels and newspapers. It is submitted that the petitioner, who is defendant No.6, filed a detailed written



statement denying the contents of the plaint averments and also that the suit against the petitioner is not maintainable. It is further submitted that the petitioner filed an application to strike off the petitioner-defendant No.6 from the array of parties in the said suit on the ground that there is no specific allegation of defamation against the petitioner nor any averment or material is placed in the plaint to substantiate that the petitioner has published, web-hosted, broadcasted, etc., the defamatory contents against the petitioner, in the absence of any specific description or instances or pleading, the arraying of petitioner as a party is an abuse of process of law and the petitioner is not a necessary party. In support of his contention, he placed reliance on the decision of the Hon'ble Supreme Court in the case of ***M.J.Zakharia Sait v. T.M.Mohammed and others***¹. It is submitted that the Hon'ble Bombay High Court, while dealing with a similar issue in the case of ***Goldmines Telefilms Private Limited vs. Sai Entertainment Private Limited and others***², held that the suit is filed on the basis that by uploading some films to

¹ (1990) 3 SCC 396

² Suit No.502/2015



YouTube, a web service operated by the 6th defendant, YouTube LLC, a separate entity incorporated overseas, defendant Nos.1 to 4 have violated and infringed the Plaintiff's copyright; even if that is so, it does not explain why the Google India has been joined as party Defendant in the Suit.

3. It is also submitted that in the cause title of the plaint, the petitioner is wrongly described as the owner of Google and YouTube; however, the Google and YouTube are distinct entities and the petitioner-defendant No.6 is a different corporate entity registered under the provisions of the Companies Act, 1956, (for short, '**the Act**') in India. Hence, they sought for deleting the petitioner from the array of the parties. It is contended that the various contentions urged in the application were not considered by the trial Court and rejected the same under the impugned order without assigning any reasons. It is also submitted that in the similar circumstances, the trial Court considered similar applications and passed the detailed orders recording the finding that the petitioner is a different entity from Google LLC and YouTube and deleted the said petitioner from the array of parties in



those suits. In support of his contentions, he has placed on record the orders passed by the trial Court in the following cases:

- i. Order dated 03.12.2022 passed in O.S.No.4572/2021 in the case of Sanjana Archana Galrani v. Asianet Suvarna & Ors.
- ii. Order dated 28.10.2022 passed in O.S.No.3978/2021 in the case of Divya Urduga M v. Publishers and Broadcasters Welfare Association of Karnataka & Ors.
- iii. Order dated 28.02.2024 passed in O.S.No.3349/2022 in the case of Rajashekara Hetnal v. Times of India & Ors.
- iv. Order dated 21.06.2024 passed in O.S.No.6485/2022 in the case of Sreeleela v. Times of India & Ors.
- v. Order dated 22.06.2024 passed in O.S.No.4260/2022 in the case of Ananda Naik v. Sunitha Chandrashekar & Ors.
- vi. Order dated 15.10.2024 passed in O.S.No.2360/2023 in the case of Sanjeeva Mantandoor v. BTV News & Ors.
- vii. Order dated 23.01.2025 passed in O.S.No.6824/2021 in the case of Rangappa T & Ors. v. Power TV & Ors.
- viii. Order dated 24.02.2015 passed in CS (OS) No.2989/2012 in the case of Bureau of Indian Standards v. Suresh Chandra Gupta & Ors. Before the Delhi High Court.

4. It is further contended that in the instant case also without any reason, Google India has been arrayed as a party



to the suit assuming that Google LLC and Google India are one and the same. Hence, he seeks to allow the writ petition by setting aside the impugned order.

5. There is no representation for the respondent even after giving sufficient opportunity.

6. I have heard the arguments of learned counsel for the petitioner and meticulously perused the material available on record. I have given my anxious considerations to the submissions advanced.

7. The respondent has filed O.S.No.6216/2017 against 21 defendants including the petitioner herein which is defendant No.6 in the said suit. The suit is for permanent injunction restraining the defendants from posting and broadcasting, photos, videos and by making derogative statement against the respondent-plaintiff affecting the reputation of the plaintiff in their websites, channels and newspapers. The petitioner has filed a detailed written statement contending that the petitioner is a company incorporated under the provisions of the Act having registered



office at Bengaluru and it is a wholly owned subsidiary of Google LLC., and has been appointed as a non exclusive reseller of online advertising space in India under the 'AdWords' programme provided by Google LLC. It is averred that the petitioner provides software development and technical support services to Google LLC and which are not the subject matter of the suit. It is the case of the petitioner that they have not posted, broadcasted, the photos, videos and not made any derogatory statements against the respondent-plaintiff. The perusal of the plaint averments does not indicate that whether the petitioner-defendant No.6 has posted, broadcasted, etc., any derogatory or defamatory statements in their website. In the absence of any specific allegation against the petitioner with regard to derogatory material on their website, I am of the considered view that the respondent cannot proceed against the petitioner.

8. The Hon'ble Supreme Court in the case of **M.J.Zakharia Sait** referred supra at para 30 held as under:

30. *In W. Hay v. Aswini Kumar Samanta [AIR 1958 Cal 269] a Division Bench of the Calcutta High Court held that it is well settled that in a "libel action" the ordinary defamatory words must be set out in the plaint. Where*



the words are per se or prima facie defamatory only the words need be set out. Wherever the defamatory sense is not apparent on the face of the words, the defamatory meaning or as it is technically known in law, the innuendo must also be set out and stated in clear and specific terms. Where again the offending words would be defamatory only in the particular context in which they were used, uttered or published, it is necessary also to set out except where as in England, the law is or has been made expressly otherwise, the offending context (colloquium) in the plaint, and to state or aver further that this context or the circumstances constituting the same, were known to the persons to whom the words were published, or, at least, that they understood the words in the defamatory sense. In the absence of these necessary averments, the plaint would be liable to be rejected on the ground that it does not disclose any cause of action.

9. The Hon'ble Supreme Court in the aforesaid decision held that in an action for defamation, there must be a proper pleading in the plaint by clearly stating the contents of defamatory statements. The pleading must clearly state what are the defamatory or derogatory statements spoken and published by whom and where. In the absence of any such specific pleading, the suit for permanent injunction against the petitioner cannot be proceeded with. In the entire plaint there is no whisper as to what was the defamatory material that the petitioner had published, web-hosted, posted on its website. Even along with the plaint nothing is placed on record before the trial Court to contend that the petitioner has posted, web-



hosted, the defamatory material against the respondent-plaintiff. Hence, I am of the considered view that the petitioner is not a necessary party to the suit.

10. The second contention of the petitioner viz., the Google India Private Limited, is the Company incorporated under the provisions of the Act having its registered office at Bengaluru and has nothing to do with the acts done by the Google LLC., which is a Company incorporated under the Laws of United States, the same goes for the YouTube. The petitioner has placed the Google terms of service, which clearly indicate that the petitioner is a distinct legal entity registered under the Act, and is wholly owned subsidiary of Google LLC., hence, I am of the considered view that both the entities are distinct legal entities, and if any posting, broadcasting, web-hosting by Google LLC., and YouTube, the petitioner cannot be sued. The trial Court, in number of its orders referred supra, has considered similar issues and ordered to delete the petitioner from the array of parties from the suit. For the aforementioned reasons, I proceed to pass the following:



ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned order dated 11.02.2019 passed on I.A.No.4 in O.S.No.6216/2017 by the LXIV Additional City Civil & Sessions Judge, Bengaluru City, is hereby set aside.
- iii. I.A.No.4 filed by the petitioner-defendant No.6 under Order I Rule 10(2) read with Section 151 of CPC is allowed and the petitioner-defendant No.6 is ordered to be deleted from the array of parties in O.S.No.6216/2017.
- iv. No orders to costs.

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**