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

I.A. 41080/2024

IN

+ CS(COMM) 310/2024

ROARK CAPITAL MANAGEMENT LLCPlaintiff

Through: Mr Sourabh Rath and Ms Gauri
Pasricha, Advocates

versus

REGISTRANT OF ROARKS.IN & ORS.Defendants

Through: Ms Nidhi Raman, CGSC with Mr
Zubin Singh and Ms Rashi Kapoor,
Advocates

Mr Mrinal Ojha, Mr Debarshi Dutta,
Mr Arjun Mookerjee and Mr Rishabh
Agarwal, Advocates for D-3

Mr Varun Pathak, Ms Amee Rana and
Mr Tejpal Singh Rathore, Advocates
for D-7

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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01.10.2024

**I.A. 41080/2024 (Application for vacation/modification of order dated
16.04.2024)**

1. The present application has been filed on behalf of Defendant No.7, Meta Platforms Inc., under Order XXXIX Rule 4 of the CPC seeking vacation/modification of the *ex parte ad interim* order passed by this Court on 16th April, 2024.



2. The operative directions *vis-à-vis*, the applicant/Defendant No.7 are given in paragraph 28 of the order dated 16th April, 2024. The relevant extract is set out below:

“28. Defendant No.7, Meta Platforms INC., is directed to:

i) block Whatsapp accounts of the mobile numbers as mentioned in Document P1 annexed with the plaint, and delete the WhatsApp groups as mentioned in Document P2

ii) block deceptive posts and advertisements as mentioned in Document P3 annexed with the Plaint, which make unauthorized use of the Plaintiff's name/mark "Roark".”

3. Mr Varun Pathak, counsel appearing on behalf of the applicant/Defendant No.7 states that the applicant provides Facebook and Instagram services. However, they do not provide WhatsApp services. It is submitted that WhatsApp services are provided by another entity, the details of which are given in paragraph 15 of the application, which is reproduced below:

*“WhatsApp LLC
1 Meta Way,
Menlo Park, California 94025,
United States of America*

*Also at:
WhatsApp LLC
Unit B8 and B10
The Executive Center
Level 18, DLF Cyber City, Building No. 5, Tower A,
Phase III
Gurgaon – 122002”*

4. Accordingly, it is prayed that the directions passed by this Court, particularly in paragraph ‘28(i)’ of its order dated 16th April, 2024, may be



modified in a manner that the aforesaid directions would be *qua* WhatsApp LLC and not *qua* the applicant/Defendant No.7.

5. Counsel for the applicant submits that insofar as the direction contained in paragraph 28(ii) is concerned, the same has been duly complied with by the Applicant.

6. Issue Notice.

7. Notice is accepted by Mr Sourabh Rath, counsel appearing on behalf of the non-applicant/plaintiff, who submits that they have no objection if the aforesaid directions are passed by this Court.

8. Accordingly, for the reasons stated in the application and at the oral request of the Plaintiff, WhatsApp LLC is impleaded as a Defendant in the present suit.

9. Amended memo of parties be filed within seven (7) days.

10. The order passed by this Court on 16th April, 2024, is modified to the extent that paragraph 28.1 of the order dated 16th April, 2024, would apply to the newly added Defendant *i.e.*, WhatsApp LLC.

11. The application is disposed of.

I.A. 8449/2024 (u/Order XXXIX Rule 1 & 2 CPC)

12. Upon Plaintiff taking steps, Notice be issued to newly impleaded Defendant *i.e.*, WhatsApp LLC, returnable before the Joint Registrar on 19th November, 2024, date already fixed.

AMIT BANSAL, J

OCTOBER 1, 2024/ds