



\$~68

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

+ CS(COMM) 528/2024 & I.A. Nos. 31788/2024, 33930/2024,
34518/2024 & 38883/2024

**WATERWAYS LEISURE TOURISM PRIVATE
LIMITED**

.....Plaintiff

Through: Ms Kripa Pandit with Mr. Christopher
Thomas, Advocates.
(M): 9625246474

versus

ASHOK KUMAR AND OTHERS

.....Defendants

Through: Mr. Parva Khare, Advocate for
defendant no. 6.
(M): 9911983636

Email: parva.khare@nishithdesai.com
Mr. Varun Pathak with Mr. Thejesh
Rajendran and Mr. Akhil Shandilya,
Advocates for proposed defendant no.
9/Meta Platforms, Inc.

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER
01.10.2024**

%

**I.A. No. 34518/2024 (Application for impleadment of Meta Platforms
INC., as Defendant No. 9)**

1. The present application has been filed on behalf of the plaintiff under Order I Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 ("CPC") for impleadment of Meta Platforms INC., as defendant no. 9.
2. Learned counsel appearing for the plaintiff submits that the present



suit has been filed for permanent and mandatory injunction and damages for infringement of copyright; infringement of trademark, passing off and unfair competition etc. against the defendants.

3. It is submitted that vide order dated 28th June, 2024, this Court had passed an *ex-parte ad-interim* injunction order in favour of the plaintiff and against the defendants. It is submitted that at the time of hearing of the present suit, though specific directions against social media platforms such as Instagram, Facebook, You Tube and Twitter (Now known as 'X') were passed, however, the plaintiff has been unsuccessful in taking down the social media accounts of the impugned websites, which are being operated by the defendants. Thus, by way of the present application, the plaintiff has sought to implead Meta Platforms INC., owner of the Facebook and Instagram portals, as defendant no. 9 in the array of parties. No reply has been filed on behalf of proposed defendant no. 9.

4. Since this Court has already passed interim orders in favour of the plaintiff, it is considered apposite to implead Meta Platforms INC., as defendant no. 9.

5. Accordingly, the present application is allowed and Meta Platforms INC., is impleaded as defendant no. 9 in the present suit.

6. The plaintiff is directed to file the requisite details of the URLs of the Facebook and Instagram accounts, so that appropriate orders can be passed for compliance by the newly impleaded defendant no. 9.

7. With the aforesaid directions, the present application is disposed of.

I.A. No. 33930/2024 (Application for clarification/further directions of order dated 28th June, 2024)

8. The present application has been filed for directions to the newly



impleaded defendant no. 9 to comply with the directions passed by this Court in order dated 28th June, 2024 and take down/suspend/block/delete the various portals/URLs as may be found impersonating the plaintiff, details of which have been given in the present application.

9. Issue notice.

10. Notice is accepted by learned counsel appearing for defendant no. 9.

11. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

I.A. No. 38883/2024 (Application for impleadment of Go Daddy India Domains and Hosting Services, as defendant no. 6.)

12. The present application has been filed for impleadment of Go Daddy.Com LLC as defendant no. 6, instead of Go Daddy India Webservices Private Limited, which is currently the defendant no. 6, in the present proceedings.

13. Considering the submissions made before this Court, Go Daddy India Webservices Private Limited is deleted from the array of parties as defendant no. 6. Instead, Go Daddy.Com LLC, is impleaded as defendant no. 6.

14. With the aforesaid directions, the present application is disposed of.

CS(COMM) 528/2024 & I.A. No. 31788/2024 (Application seeking ad-interim injunction against the defendants)

15. In view of the orders passed today, let Amended Memo of Parties be filed by the plaintiff within a period of one week from today.

16. The newly impleaded defendant no. 6 and defendant no. 9, are granted time to file their respective written statements/replies within a period of 30 days from today.



17. Replication thereto, be filed by the plaintiff within two weeks, thereafter.

18. It is clarified that the directions as contained in the order dated 28th June, 2024, particularly in para 37 of the said order, pertain to defendant nos. 1, 2 and 3.

19. This Court notes the submission made by learned counsel for the newly impleaded defendant no. 6 that defendant no. 6 being an intermediary, cannot block the website, but can only suspend the domain name, being a Domain Name Registrar.

20. Accordingly, para 37(iii) of the order dated 28th June, 2024 shall be read to direct that the website www.princesscruiseandhotels.com shall be suspended by defendant no. 6.

21. List for completion of pleadings before the Joint Registrar (Judicial) on 29th November, 2024, i.e., the date already fixed.

MINI PUSHKARNA, J

OCTOBER 1, 2024

C