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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 676/2023**
JAINEMO PRIVATE LIMITED

..... Plaintiff

Through: Ms. Aastha Arora and
Mr. Rupin Bahl, Advs.

versus

RAHUL SHAH AND OTHERS

..... Defendant

Through: Mr. Mohit Singh, Mr. Vaarish
Sawhani, Ms. Aratrika Brahmachari
Advs. For D-19 (VC)
Mohammad Bilal and Ms. Akanksha
Singh, Advs. For D-13(VC)
Ms. Rima Majumdar, Tanya Sharma,
Advs. for D-16(VC)
Mr. Madhav Khosla, Adv. For D-16
Mr. Mrinal Ojha, Mr. Debarshi Dutta,
Mr. Samyak Bilala, Advs. For D-28
Mr. Sauhard Alung, Adv. for
D-20/Google LLC

CORAM:
JOINT REGISTRAR (JUDICIAL) Dr. AJAY GULATI

ORDER

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27.02.2024

IA no. 4544/2024 on behalf of def no. 20 for seeking condonation of delay of 89 days in filing the written statement.

Notice accepted by the ld Counsel for the plaintiff who submits that there is no objection to the prayer for condonation of delay. Delay thus stands condoned in view of the reason stated in the IA. Written statement is



taken on record. Replication be filed within the period permissible, as worked out from today.

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Defendant no. 1 is yet to be served since efforts to serve him have not yielded any result.

Def no. 2 was served through WhatsApp and Id. Counsel for the plaintiff submits that he had replied also to the Whatsapp message but subsequently, the number is not operational anymore.

Def no. 3 was to be served after necessary information regarding it was to be sourced from def. no. 24 whose details in turn were supplied by def. no. 28. After getting details of def no. 24, an email was sent to def no. 24 but the same could not be delivered. Plaintiff has not taken steps again to serve def no. 24 and as a result, it has yet not received any details of def no. 3 who also thus remains unserved. Def no. 3 is an anonymous person/entity operating on the website of def no. 24.

Def no. 4 is a YouTube channel whose details were provided by def no. 20 (Google) and the YouTube channel has also been taken down by Google.

Def no. 5 to 12, 29 & 30 had their channels on Telegram, all of which have been taken down by def no. 16 (Telegram) as per the submission of plaintiff's counsel. Def no. 29 was also operating through WhatsApp but his group/broadcast channel has also been taken down by def no. 19 (WhatsApp). Of these defs., def no. 8 has filed its written statement.

Def no. 13 has been served. Id. Counsel for def no. 13 submits that they do not wish to file a written statement and have infact, reached out to



the plaintiff for a possible settlement but there has been no response from the plaintiff.

Def no. 14 is a website whose details were to be provided by def no. 23 but which have not been supplied, as per the submissions of the plaintiff's counsel. However, the objectionable content i.e. course content has been taken down, as per the submission of ld. Counsel for the plaintiff.

Def no. 15 has been served. Plaintiff's counsel submits that def no. 15 is a cloud storage entity and has been complying with the directions of the Hon'ble court by regularly taking down objectionable content on information being supplied by the plaintiff.

Def no. 16 is *Telegram*. It has been served and has also filed its written statement

Def no. 17, 18 and 21 are separate Google entities. Ld. Counsel for def no. 20 (Google LLC) submits that neither of these 3 defs. have any control over the services sought be actioned upon by the plaintiff and it is def. no. 20 which is the concerned entity in this regard. Ld. Counsel for def. no. 20 thus requests for deletion of def no. 17, 18 & 21. Plaintiff's counsel submits that she will seek necessary instructions in this regard by the next date.

Def no. 19 is *WhatsApp* and has already filed its written statement.

Defs. no. 22, 23, and 26 to 30 have all been served. Defs. no 25 & 26 are Govt. of India functionaries. Ld counsel for def no. 28 submits that a compliance affidavit has been filed on behalf of def no. 28 and hence, def no 28 should be deleted. However, the compliance affidavit is not reflected on record.

Defendant no. 31 is a *Johndoe*.



Plaintiff is at liberty to file replications to the written statements already on record, if the time lines of the prescribed rules permit. Further, it is directed to take steps again for service of def no. 24 and def no. 3 within a week.

Put up before the Hon'ble Court on 22.3.2024 which is the date already fixed, for further directions.

**Dr. AJAY GULATI (DHJS),
JOINT REGISTRAR (JUDICIAL)**

FEBRUARY 27, 2024

Click here to check corrigendum, if any