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A No. 191 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 09-06-2026

Pronounced on : 28-08-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

A No. 191 of 2026

IN

C.S(COMM DIV) No. 253 of 2024

Youtube (Google LLC)

Having registered Corporate Office at
901 Cherry Ave. San Bruno,
CA 94066.

With registered Indian Office,
at Google Mumbai, FIFC, Level 7,
Unit 701, Plot no.C-54/55, G Block,
Bandra Kurla Complex Road,
Bandra East, Mumbai,
Maharashtra 400 051.

..Applicant(s)

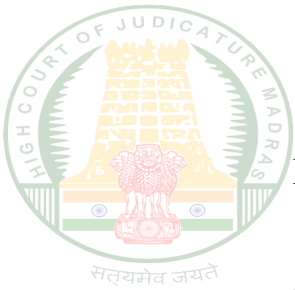
Vs

Sri Eshwar College of Engineering
Kondampatti Po, Vadasithur Via,
Kinathukadavu, Coimbatore,
Tamil Nadu 641 202
Represented by its Chairman
Mr.R.Mohanram

..Respondent(s)

Prayer

Judge's Summons under Order XIV Rule 8 of O.S. Rules read with
Order XIII-A Rule 2 & Rule 3 read with Section 151 of Code of Civil
Procedure, 1908, praying to pass a summary judgment dismissing the Suit C.S.
(Comm Div) No. 253 of 2024 preferred by the Plaintiff with costs.



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For Applicant(s):

Mr.R.Bharadwaja Ramasubramaniam
For M/s.Vivrti Law

For Respondent(s):

Mr.Arun C.Mohan
For Dr.S.Karpagapriya

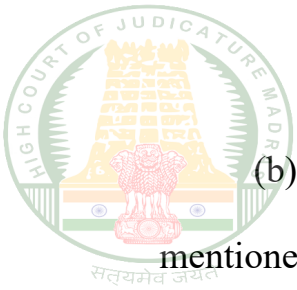
ORDER

This application has been filed to pass a summary judgment dismissing the Suit C.S.(Comm Div) No. 253 of 2024 preferred by the Plaintiff with costs.

2. Heard both sides.

3. The learned counsel appearing for the applicant would submit that the respondent had initiated the suit without any cause of action whatsoever against the applicant. He would submit that the applicant, who is the intermediary, in whose platform, various articles are being uploaded by originators, and even without describing the posts that are to be deleted, the respondent had sought for the following reliefs:

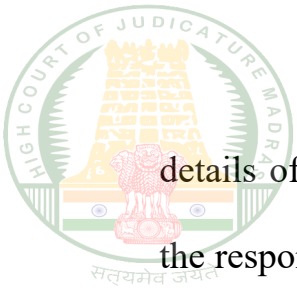
(a) a permanent injunction to restrain the applicant/defendant from telecasting, broadcasting, publishing, disseminating, any video or audio published by the Career Guidance Scam, Logomass79, Career Guide 2.0 and Career Guidance Scam 2.0 or any other representation, which directly or indirectly or in any manner, disparages and/or denigrates the respondent's/Plaintiff's college's brand 'Sri Eshwar College of Engineering' and/or the category of services to which it belongs;



(b) To direct the applicant/defendant to remove the defamatory videos as mentioned in the suit posted by the Career Guidance Scam and others using their profiles on its platform “Youtube” and also removing any other imputations or allegations made against the respondent’s/plaintiff’s college on the website of the applicant/defendant or in any other manner whatsoever;

(c) To direct the applicant/defendant to share and disclose the details and information relating to the infringers such as their IP address, phone number and other such identifiers.

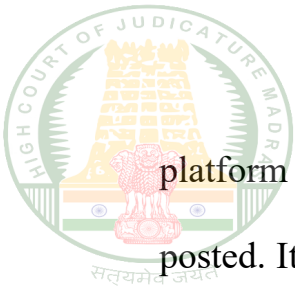
4. He would submit that the respondent/plaintiff has also not made any third party as a party to the suit, who are the originators, to deem the suit as a John Doe suit. That apart, he would submit that the plaintiff's legal character has also not been disclosed in the suit for maintaining the suit. He would further submit that the plaintiff admittedly is in operation outside the territorial jurisdiction of the Court and the applicant is also not having any office within the jurisdiction of this Court, which is also evident from the description of parties in the plaint. This itself would warrant rejection of the suit, as this Court do not have any territorial jurisdiction to decide the *lis* between the parties. That apart, he would submit that an undertaking had been given by the respondent's counsel to array the John Doe as parties, which has also been recorded by this Court by its order dated 12.11.2015. And, as on date, no steps have been taken by the respondent to add any such John Doe parties. He would submit that no



details of registered trademark or infringement of the same had been made by the respondent in the suit, and the prayer in the suit, which is omnibus in nature, cannot be sought against the applicant, who is only an intermediary and it would also have been improper to grant a blanket pre-publication injunction as claimed by the respondent.

5. In the context of his claim for territorial jurisdiction, he had relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Indian Performing Rights Society Limited Vs. Sanjay Dalia and another***, reported in ***(2015) 10 SCC 161*** and also the judgment of the Delhi High Court in the case of ***Sameer Dnyandev Wankhede Vs. Red Chillies Entertainments Pvt., Ltd., Through its Authorised Representative and others***, reported in ***2026 SCC OnLine Del 333***. He would submit that, in that context, the respondent, who is the plaintiff, do not have any real prospect of succeeding on the claim made in the suit for this Court to permit the suit to be proceeded with to trial. He would submit that the plaint suffered from disclosure of foundational facts and is vague in its pleading, which is also unsupported by any assertions, and it would only be a futile exercise to enter into trial. Hence, he seeks this Court to dismiss the suit by passing a summary judgment.

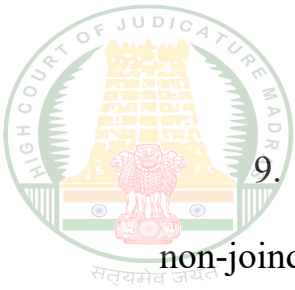
6. The learned counsel appearing on behalf of the respondent/plaintiff would submit that, admittedly, the applicant is the intermediary in whose



platform the disparaging statement against the respondent/plaintiff is being posted. It is not the case of the applicant that there is no such post that had been made on its platform. He would submit that, with regard to territorial jurisdiction, since the claim of the respondent/plaintiff is that the alleged disparaging statement of the respondent was posted on social media, it has also been viewed within the jurisdiction of this Court, and also in view of the fact that leave has been granted to institute the suit before this Court, which was granted by this Court on 18.11.2024 under Clause 12, and further, without an application to revoke the leave granted, for which liberty was given, the present application itself on the ground of territorial jurisdiction should not be entertained by this Court.

7. He would further submit that, in a suit for disparagement, where the respondent/plaintiff has averred expressly that he is the registered trademark holder and that its reputation is being infringed, itself constitutes the cause of action.

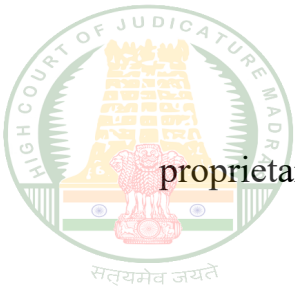
8. Be that as it may, he would further submit that the cause of action is a bundle of facts, which could be established during trial. Hence, the application for summary judgment is wholly misconceived.



9. He would further submit that, on the contentions of the applicant for non-joinder of parties, he would submit that the suit had been primarily filed for reliefs to protect the plaintiff's reputation by removing the disparaging statement that had been posted on the platform of the respondent. He would contend that the applicant has not disputed the disparaging post against the respondent on its platform, and the respondent has also not sought for any coercive action against the applicant/respondent for the applicant to seek protection under Section 79 of the Information Technology Act. He would further submit that the ground of non-joinder of parties cannot be dealt with at the present stage and on that ground, he would submit that the Court cannot come to a conclusion that the respondent would be hopelessly unsuccessful in the suit, for which to exercise its power under Order XIII-A to dismiss the suit. Hence, he seeks dismissal of the instant application.

10. I have considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

11. The instant application had been taken out under Order XIII-A for a summary judgment to dismiss the suit on the ground that this Court lacks territorial jurisdiction, no cause of action is available, and there is non-joinder of parties. The applicant admittedly is an intermediary, on whose platform, it is the case of the respondent, a disparaging statement has been made violating its



proprietary intellectual property rights.

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12. The compelling reasons for this Court to exercise its power under Order XIII-A would be that, if the Court comes to a conclusion that there is no real prospect of succeeding on the claim made by the plaintiff or a real prospect of defending the claim by the defendant, as to why the suit should not be disposed of even before framing issues. Rules 6 and 7 of Order XIII-A indicate the order that could be passed on an application made under the said Order.

13. As regards the claim of territorial jurisdiction, namely, the place of business of both the applicant and the respondent, at the first blush, this Court would only opine that there is no territorial jurisdiction of this Court to deal with the issue. But, on the other hand, as rightly pointed out by the learned counsel appearing for the respondent that the disparaging posts are also viewed within the jurisdiction of this Court at Chennai, this Court is of the view that there has been a part of cause of action within the jurisdiction of this Court for the plaintiff to maintain the suit.

14. As regards the cause of action and misjoinder or non-joinder of parties, it is to be noted that this Court had suggested impleading the parties, who are the originators, in its order dated 12.11.2015, wherein it had recorded the statement of the learned counsel for the respondent that steps would be



taken to make those persons as defendants in the John Doe suit and prays for time. The said statement was recorded as it was the claim of the applicant that the 16 video posts that had been enlisted, none of the originators had been impleaded as parties to the suit.

15. It is further to be noted that the respondent had taken out an application in Application No.4130 of 2025, seeking for interim directions to the applicant/defendant to disclose and furnish the details and identifying information of the infringers, including but not limited to their IP addresses, phone numbers, email addresses and any other available identifiers, to the plaintiff and the said application is also pending consideration.

16. It is further to be noted that the said application had been taken out by the respondent, as the respondent was not in a position to identify the mischief mongers. In the event of a direction being given for disclosing the details of the infringers, the respondent would be in a position to implead the said persons. In such a scenario, where admittedly video URLs had been listed in the pleadings, this Court is of the view that the contention that there is no cause of action in view of non-joinder of parties cannot be decided at the present stage.

17. For the aforesaid reasons, this Court do not find any reason to make an order, invoking the power under Order XIII-A to summarily dismiss the suit



on the grounds raised. However, in the interest of justice, and with the powers vested under Rule 7 of Order XIII of the Commercial Courts Act, the present application is dismissed with the direction to the respondent to take necessary action for impleading the originators by arraying the originators as party defendants to the suit within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

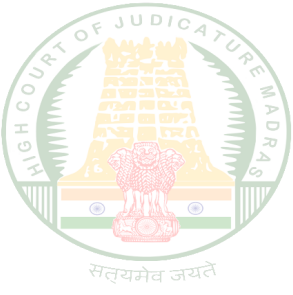
28-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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K.KUMARESH BABU J.

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