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

+ CS(OS) 3354/2015

THE INDIAN INSTITUTE OF PLANNING
AND MANAGEMENT

..... Plaintiff

Through: Mr.Nishit Kush and Ms.Mercy
Hussain, Advocates.

versus

DELHI PRESS PATRA PRAKASHAN
P. LTD. ANR

..... Defendants

Through: Mr.Amit Gupta and Mr.Shiv Verma,
Advocates for D-1 to D-4.
Mr.Saranch Jain and Mr.Sriparna
Dutta Choudhary, Advocates for D-6.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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15.11.2022

I.A. 9303/2018 (O-I R-10 of CPC)

1. This application has been filed on behalf of the applicant/defendant no.6 under Order I Rule 10 of the Code of Civil Procedure, 1908 (CPC) seeking deletion from the array of parties.
2. The present suit has been filed on behalf of the plaintiff seeking, *inter alia*, the relief of permanent injunction against the defendants from publishing defamatory content against the plaintiff, which is available on web service of 'Google Search' through websites www.google.com and www.google.co.in.
3. It is submitted that the service of 'Google Search' is not provided by

the applicant/defendant no.6 herein and is in fact provided by Google LLC, the parent company of the applicant/defendant no.6. Accordingly, the applicant/defendant no.6, Google India Pvt. Ltd. has been wrongly impleaded and seeks deletion from the array of parties.

4. In my considered view, no useful purpose would be served by retaining the applicant/defendant no.6 as a party in the present suit. Therefore, the application is allowed and in exercise of the powers conferred under provisions of Order I Rule 10 of the CPC, the defendant no.6 is deleted from the array of parties.

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5. Amended memo of parties be filed within one week.

6. On the basis of the pleadings of the parties, following issues are framed:

- (i) Whether the impugned article "*Sweet Smell of Success – How Anindam Chaudhuri made a fortune off the aspirations and insecurities of India's middle classes*" published in the magazine "The Caravan" in February, 2011 is defamatory towards the plaintiff?
- (ii) Whether the plaintiff is entitled to damages as claimed in the suit?
- (iii) Whether the plaintiff is entitled to a decree of permanent injunction against the defendants for publishing the aforesaid article?
- (iv) Relief.

7. No other issue arises or is pressed for.

8. Parties shall file list of witnesses within six weeks.

9. Plaintiff shall file its evidence by way of affidavit within six weeks

from today.

10. List before the Joint Registrar for fixing dates of trial on 12th January, 2023.

AMIT BANSAL, J

NOVEMBER 15, 2022

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