

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

NOTICE OF MOTION NO.668 OF 2008
IN
SUIT NO.506 OF 2008

Gremach Infrastructure Equipments &
Projects Limited & Ors. ...Plaintiffs.

Vs.

Google India Private Limited. ...Defendant.

....

Mr.Rahul Chitnis i/b. Rajani Associates for the Plaintiffs.
None for the Defendant.

.....

CORAM :DR.D.Y.CHANDRACHUD, J.
February 26, 2008.

P.C.:

Leave to amend in terms of the draft tendered in.

Amendment to be carried out within one week.

This order will dispose of an application for ad-interim relief
in a suit for defamation.

The First and Second Plaintiffs are part of a group of
Companies known as 'Gremach Group'. The aforesaid Group of

Companies is inter alia engaged in the manufacture of LAM Coke, refractory, mining and infrastructure development. The First Plaintiff has a 75% stake in prospecting licences in Mozambique. The Defendant provides a platform for blog spots or blog sites, one of them being 'Toxic Writer'. The cause of action for the suit originates from a blog which was posted on 24th January 2008 and 3rd February 2008 at a blogspot titled "Toxic Fumes". The article on the basis of which the suit for defamation has been instituted is annexed as Exh.A-1 to the Plaint. In paragraph 9, the Plaintiffs have extracted certain specific portions of the article which are regarded as being defamatory. Prima facie, at the present stage, there is merit in the contention of the Plaintiffs that the article put up by the Defendant on the blog site is defamatory. The Defendant has not entered appearance despite service of a notice. Two reliefs have been sought at the ad-interim stage, the first being an order of injunction and the second, a requirement for the Defendant to disclose particulars, names and the address of the person who is the author of the article. There shall be an ad-interim order in terms of prayer clauses (a) and (b). The Defendant shall make a disclosure in terms of the relief

granted in terms of prayer clause (b) within a period of four weeks from the date of the communication of this order. The Notice of Motion is made returnable on 28th July 2008.

.....