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C.R.P. Nos. 3455 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2026

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.R.P. No. 3455 of 2025

&

C.M.P. NO. 18794 of 2025

Bhagyaraj Jaganathan

..Petitioner

Vs.

R.V. Lakshmipathy

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 17.12.2024 passed in I.A. No. 1 of 2024 in O.S. No. 939 of 2024 by the XIV Assistant City Civil Court, Chennai.

For Petitioner :: Mr.G. Ashok Kumar

For Respondent :: Ms.G. Divya

O R D E R

This civil revision petition has been filed challenging the impugned order dated 17.12.2024 passed by the learned XIV Assistant



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Judge, City Civil Court, Chennai in I.A. No. 1 of 2024 in O.S. No. 939 of

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2. By the aforesaid order, the application filed by the petitioner, who is the defendant in the suit in O.S. No. 939 of 2024, seeking for rejection of plaint filed by the respondent/plaintiff, under Order VII Rule 11 CPC, has been dismissed.

3. The suit was filed seeking damages on account of alleged defamation committed by the petitioner against the respondent, who is a practising advocate and was the counsel on record for one of the parties to a matrimonial dispute. The respondent/plaintiff pleaded that in the affidavit filed by the petitioner/defendant before the Family Court, unparliamentary words had been used by the petitioner/defendant against the respondent/plaintiff as well as his client. Specific averments to that effect have been made in the plaint filed by the respondent/plaintiff in support of O.S. No. 939 of 2024. However, without going for trial, the petitioner/defendant filed I.A. No. 1 of 2024 in O.S. No. 939 of 2024 before the XIV Assistant City Civil Court, Chennai seeking for rejection of plaint under Order VII Rule 11 CPC. The Trial Court, has dismissed the said



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application on the ground that the plaint averments and the documents filed along with the plaint makes it clear that there is cause of action for filing the suit by the respondent/plaintiff against the petitioner/defendant.

4. This Court has also perused and examined the plaint filed by the respondent/plaintiff in support of O.S. No. 939 of 2024. As rightly pointed out by the Trial Court, in the impugned order, specific averments have been made in respect of alleged defamation said to have been committed by the petitioner / defendant and the fact that the petitioner/defendant has also filed an affidavit before the Family Court using parliamentary words against the respondent/plaintiff has also not been denied . But, the learned counsel for the petitioner/respondent would submit that the said affidavit was returned by the Family Court back to the petitioner / defendant and therefore, no defamatory statements are placed on record before the Family Court concerned against the respondent/plaintiff. However, the question as to whether the conduct of the petitioner/defendant will amount to defamation or not cannot be decided in an application filed under Order VII Rule 11 CPC. While deciding an application under Order VII Rule 11 CPC, the Court will have to look into only the plaint averments



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and when there is cause of action made out as per the plaint averments, the question of maintaining an application under Order VII Rule 11 CPC does not arise. The Trial Court, by the impugned order, has rightly dismissed the application filed by the petitioner/defendant by holding that there is cause of action for the respondent/plaintiff to sue the petitioners/defendant.

5. For the foregoing reasons, this Court does not find any merit in the civil revision petition and the same is dismissed. No costs. Connected C.M.P. is closed.

07.07.2026

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To

The XIV Assistant City Civil Court, Chennai.

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