

106.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.93 of 2014 (O&M)

Date of decision:13.01.2016

Mohan Singh

... Petitioner

versus

Radhey Sham Jain and others

.... Respondents

II. Civil Revision No.66 of 2014 (O&M)

Mohan Singh

... Petitioner

versus

Radhey Sham Jain and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Jagraj Singh Khiva, Advocate,
for the petitioner.

K.Kannan, J. (Oral)

CM No.421-CII of 2016 in Civil Revision No.66 of 2014

CM No.407-CII of 2016 in Civil Revision No.93 of 2014

For the reasons stated in the applications, delays of 11
days in filing the restoration applications are condoned.

Applications stand disposed of.

CM No.422-CII of 2016 in Civil Revision No.66 of 2014

CM No.408-CII of 2016 in Civil Revision No.93 of 2014

For the reasons stated in the applications, the same are
allowed and the revision petitions are restored to file.

Civil Revision Nos.93 and 66 of 2014

1. Both the revision petitions address the same issue and disposed of by a common order.
2. The suit which is filed for defamation for imputation on corrupt practice by the plaintiff for a publication effected by the defendant on 18.05.2012 was sought to be amended through an application filed on 29.07.2013 that the proposed party was reported to have given an affidavit to the publication house about the alleged illegal gratification demanded by the plaintiff and, therefore, the said person was also sought to be impleaded under Order 1 Rule 10 CPC and the consequential amendment to be brought at the stage. The justification is that the involvement of the proposed party was revealed by the publication only in the written statement filed on 20.11.2012 and, therefore, the impleadment ordered within a period of 1 year is in time.
3. The argument is erroneous. The limitation for compensation for libel is 1 year when the libel is published under Article 75 of the Limitation Act. The starting point of limitation is a date of publication and not when the plaintiff came to know as to who was responsible for publication. The impleadment cannot be permitted beyond a period of limitation when the law prescribes the starting point to be a definite period of publication. It is an uncontroverted fact that there was a publication of alleged libel

content only on 18.05.2012. It is not a mixed question of fact, which would require to be investigated. It is a straight question of fact asserted by the plaintiff and admitted by the defendant. The amendment cannot be permitted in such a situation.

4. The order passed already is sustained and the revision petitions are dismissed.

(K.KANNAN)
JUDGE

13.01.2016
sanjeev