

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2019

Coram

THE HONOURABLE MR. JUSTICE M.SUNDAR

C.S.No.955 of 2008

&

A.No.7375 of 2010

1.Mrs.M.Nirmala
Proprietrix
M/s.Geethanjali Builders
No.13, Akbarabad 2nd Street
Kodambakkam
Chennai - 600 024

2.C.Murali
No.13, Akbarabad 2nd Street
Kodambakkam
Chennai - 600 024

... Plaintiffs

vs.

K.Thiruvengadam

... Defendant

Plaint filed under Order VII Rule 1 CPC read with Order IV Rule 1 of Original Sides Rules seeking permanent injunction restraining the defendant from in any manner making scandalous remarks against the plaintiffs in future and for the relief of payment of RS.100,00,000.00 towards damages suffered on account of the loss to reputation of the plaintiffs due to the defamatory remarks made by the defendant in the notice dated 10.10.2005 and for costs.

For Plaintiffs : Mr.S.Vasudevan

for Mr.P.R.Murali

For Defendant : Mr.Arun Anbumani

JUDGMENT

Mr.S.Vasudevan, learned counsel representing Mr.P.R.Murali, counsel on record for the plaintiffs is before this Court. Learned counsel for plaintiffs submits that the sole defendant in the suit died pending instant suit and the date of demise is 11.10.2015.

2. Mr.Arun Anbumani, learned counsel on record for late defendant drew the attention of this Court to a memo dated 24.07.2018, wherein the factum of demise of sole defendant has been brought to the notice of this Court (enclosing Death Certificate). Learned counsel submits that this memo has been filed in accordance with Rule 10-A of Order XXII of 'The Code of Civil Procedure, 1908' ('CPC' for brevity). This Court notices that instant suit is one claiming damages for alleged scandalous remarks.

3. In the aforesaid backdrop, there is no disputation that the suit abates in the light of obtaining position qua CPC. Suit dismissed as abated. Connected application is closed.

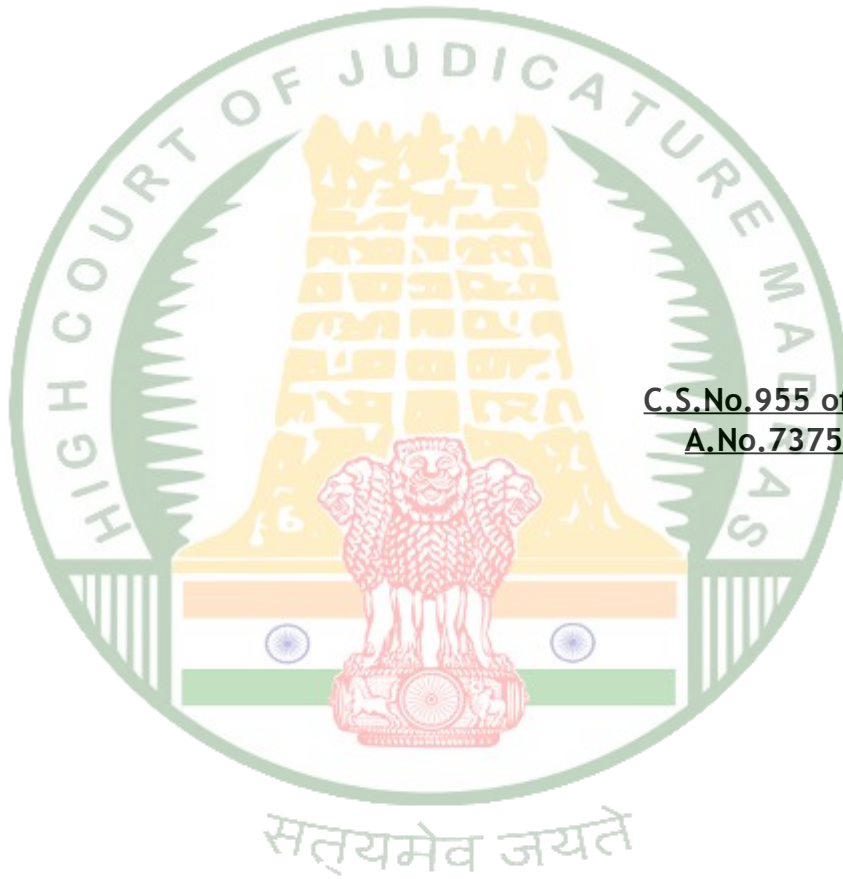
17.12.2019

Speaking order: Yes/No
Index: Yes/No
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