

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Contempt Petition No.423 of 2015

Ms.Kanimozhi Karunanidhi

... Petitioner

Vs.

1. Thiru.P.Varadarajan,
Director and Publisher,
Kumudam Group Magazines,
Kumudam Publications Pvt. Ltd.,
No.306, Purasawalkam High Road,
Chennai-600 010.
2. Thiru.S.Kosal Ram,
Group Editor,
"Kumudam Reporter",
Kumudam Publications Pvt. Ltd.,
No.306, Purasawalkam High Road,
Chennai-600 010.
3. Thiru.Priya Kalayana Raman,
Group Editor,
"Kumudam Reporter",
Kumudam Publications Pvt. Ltd.,
No.306, Purasawalkam High Road,
Chennai-600 010.
4. Thiru.K.Gubendran,
Joint Editor,
"Kumudam Reporter",
Kumudam Publications Pvt. Ltd.,
No.306, Purasawalkam High Road,
Chennai-600 010.
5. Thiru.John Wilkins,
News Editor,
"Kumudam Reporter",
Kumudam Publications Pvt. Ltd.,
No.306, Purasawalkam High Road,
Chennai-600 010.

6. Thiru.S.Subramanian,
Assistant Editor,
"Kumudam Reporter",
Kumudam Publications Pvt. Ltd.,
No.306, Purasawalkam High Road,
Chennai-600 010.

7. Thiru.G.Ramesh,
Assistant Editor,
"Kumudam Reporter",
Kumudam Publications Pvt. Ltd.,
No.306, Purasawalkam High Road,
Chennai-600 010.

.. Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for violating the order of ad-interim injunction dated 05.11.2014 and further order in that regard dated 03.12.2014 of this Court made in O.A.No.871 of 2014 in C.S.No.705 of 2014.

For Petitioner : Mr.Richard Wilson for
M/s.P.Wilson Associates

For Respondents : Mr.R.Amizhdu

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ORDER

This Contempt Petition has been filed by the petitioner, who is the plaintiff in C.S.No.705 of 2014, for violation of the order of ad-interim injunction dated 05.11.2014 and further order in that record, dated 03.12.2014 of this Court made in O.A.No.871 of 2014 in C.S.No.705 of 2014.

2. This Court, by the said order dated 05.11.2014, has granted interim injunction as against the defendants 1 and 2, restraining them from in any way printing, publishing and circulating the defamatory article, sketch/photograph/caricature/fudging or any pictorial representation of the petitioner/plaintiff in their magazine "Kumudam Reporter" or in any manner causing damage to the reputation of the plaintiff without seeking prior clarification from the plaintiff.

3. Subsequently, on 03.12.2014, this Court passed order in the said O.A., observing that the interim injunction granted on 05.11.2014 was extended until further orders of this Court.

4. The present Contempt Petition has been filed contending that subsequent to the said orders, the respondents have printed and published articles in the magazine in violation of the said order of interim injunction granted by this Court. Since the said articles are defamatory and malicious with the sole intention to harm the petitioner's reputation in the general public, the present Contempt Petition has been filed to punish the respondents for violating the said order(s) of this Court.

5. The first respondent (and also on behalf of the third respondent) and respondent Nos.2 and 4 to 7 have filed their respective counter affidavits.

6. The order of interim injunction granted by this Court on 05.11.2014 was modified by order dated 25.04.2016 passed in O.A.No.871 of 2014 in C.S.No.705 of 2014, observing as follows:

"9. The interim order was granted by this Court on 5 January 2014 restraining the respondents from publishing articles concerning the applicant which are defamatory in nature. The question as to whether the article is defamatory is essentially an issue to be decided by the Court. There cannot be any blanket order of injunction restraining the press from publishing articles with respect to the public life of an individual. The interim order granted by this Court should be considered as one prohibiting the respondents from publishing articles which are intended to defame the applicant and which has no basis. The interim order granted by this Court on 5 January 2014 is clarified accordingly."

7. In the counter affidavit of the first respondent, it is stated that the second, fourth and sixth respondents have left their job from the third respondent-Company and the first respondent is filing the counter affidavit on his behalf and also on behalf of the third respondent-Company.

At no point of time, they caused any imputation whatsoever against any person including the applicant, as such, and

the conditions imposed on them to get the version of the applicant and publish the same as regards her private life, will be followed by them with letter and spirit. It is further stated by the first respondent in the counter that it is the tradition followed by them and they continue the same legacy to follow the ethics and high standards of journalism. In pursuance of the same, the first respondent stated that they did not prefer any appeal against the final order passed in the injunction application. It is further stated in the counter that if the applicant furnishes an e.mail Id (till date, it was not furnished), the same shall be recorded and in case any article or news is proposed to be published about the private life of the applicant, the same would be furnished to her in the said E.mail and await for her response till the stipulated time as may be directed by this Court. It is also stated in the counter by the first respondent that the articles published in between 05.01.2014 till the filing of the Contempt Application, did not contain any imputation as against the applicant and the allegation to that effect was stoutly denied.

8. In view of the above statements made by the first respondent in the counter affidavit, this Court is of the opinion that no further adjudication is necessary in this Contempt Petition. In view of the modification of the interim order of injunction as well as the above

undertaking given by the first respondent in the counter affidavit, this Contempt Petition is closed, recording the said statements/undertaking made in the counter affidavit of the first respondent.

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

cs

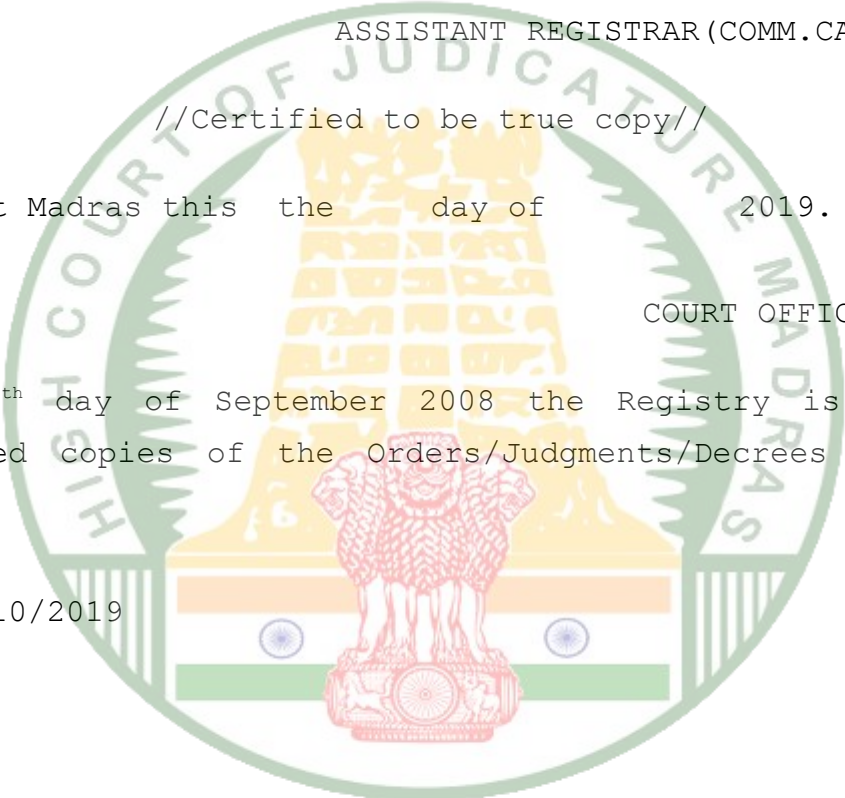
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Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Smi/09/10/2019

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. Below the lion is a red wheel (Chakras) with a central hub. The entire emblem is set against a background of a green and white striped border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the central emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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