

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2019

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

CRP (PD)No.3203 of 2014
and
M.P. No.1 of 2014

P. Narayanan Petitioner
Vs
M. Muthukumar Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to strike of the plaint in O.S. No.256 of 2014 on the file of the District Munsif Court, Pollachi by awarding costs.

For petitioner : Mr.M. Gnansekar

For respondent : Mr.G. Sankaran

ORDER

The instant Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking for a direction from this Court to strike off the plaint filed by the respondent in O.S. No.256 of 2014 pending on the file of the District Munsif Court, Pollachi.

Brief facts leading to the filing of the instant Civil Revision**Petition :-**

2. The petitioner is the defendant in the suit O.S. No. 256 of 2014 pending on the file of District Munsif Court, Pollachi, filed by the respondent seeking for damages of a sum of Rs.50,000/- together with interest and costs on the ground that the petitioner has defamed the respondent, while passing the order dated 04.04.2014, sitting as an appellate authority under the Right to Information Act.

3. According to the respondent, as seen from the plaint uncalled for and unsubstantiated observations have been made by the petitioner in the order, dated 04.04.2014, which has defamed his reputation. In such circumstances, the suit has been filed. Aggrieved by the filing of the suit, the instant Civil Revision petition has been filed under Article 227 of the Constitution of India to strike off the plaint filed in O.S. No.256 of 2014.

4. Heard Mr.M.Gnanasekar, learned counsel for the petitioner and Mr.G. Sankaran, learned counsel for the respondent.

5. The order dated 04.04.2014 has been admittedly passed by the petitioner, who was then the appellate authority under the Right to Information Act. The said order confirms the order of the Public Information Officer, dated 28.02.2014.

6. However, it is the case of the respondent that certain uncalled for and unsubstantiated observations have been made by the petitioner in the order dated 04.04.2014, which has defamed his reputation. The Civil Revision Petition was filed in the year 2014. Considering the long passage of time and without going into the merits of the matter, this Court is of the considered view that in the interest of both the parties to the dispute, a direction can be given to the Trial Court for early disposal of the suit at the same time, liberty is also given to the petitioner to file an appropriate application before the Trial Court for rejection of plaint and if and when the same is filed, the Trial Court shall consider the same in accordance with law.

7. In the result, a direction is given to the Trial Court to frame necessary issues in the suit O.S. No.256 of 2014, after completion of pleadings and thereafter dispose of the suit, within a period of three months. Liberty is also granted to the petitioner to file an appropriate

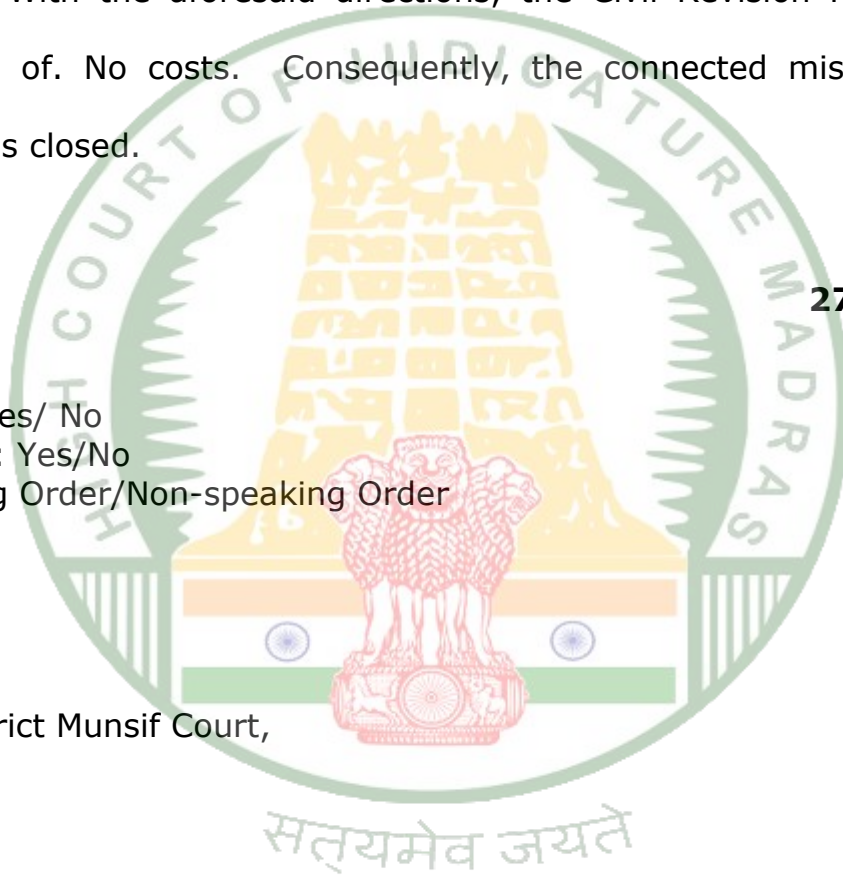
application for rejection of plaint and if so filed, the Trial Court shall give sufficient opportunity to the respondent and thereafter pass final orders in the said application in accordance with law

8. With the aforesaid directions, the Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

27.06.2019

Index: Yes/ No
Internet: Yes/No
Speaking Order/Non-speaking Order
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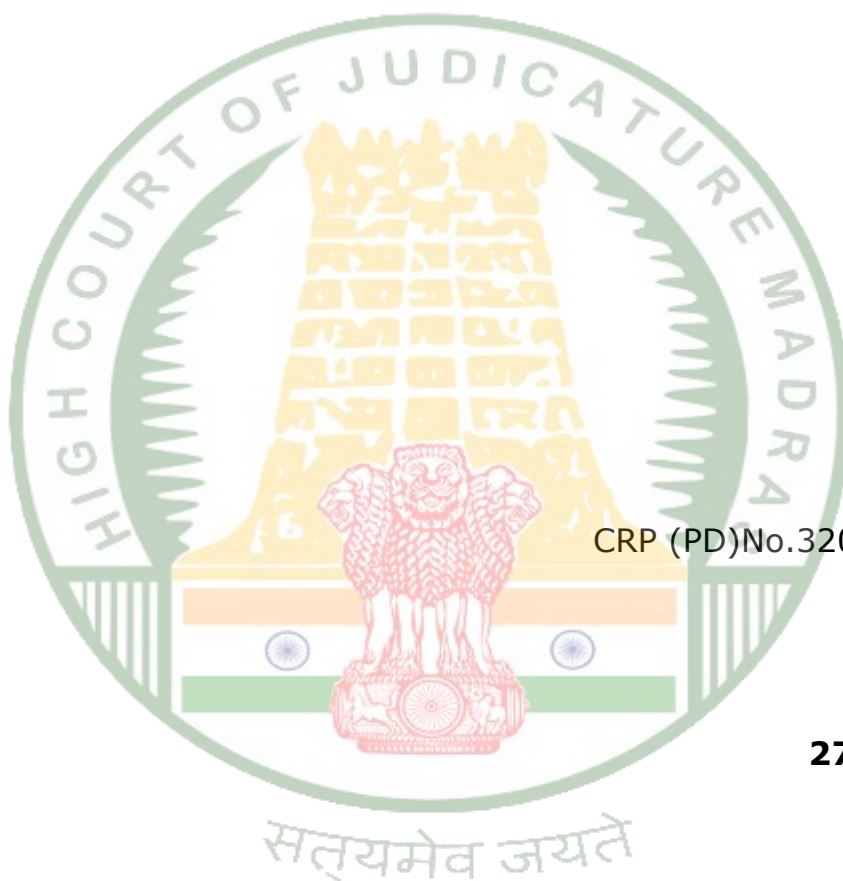
To
The District Munsif Court,
Pollachi.



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ABDUL QUDDHOSE, J.

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