

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

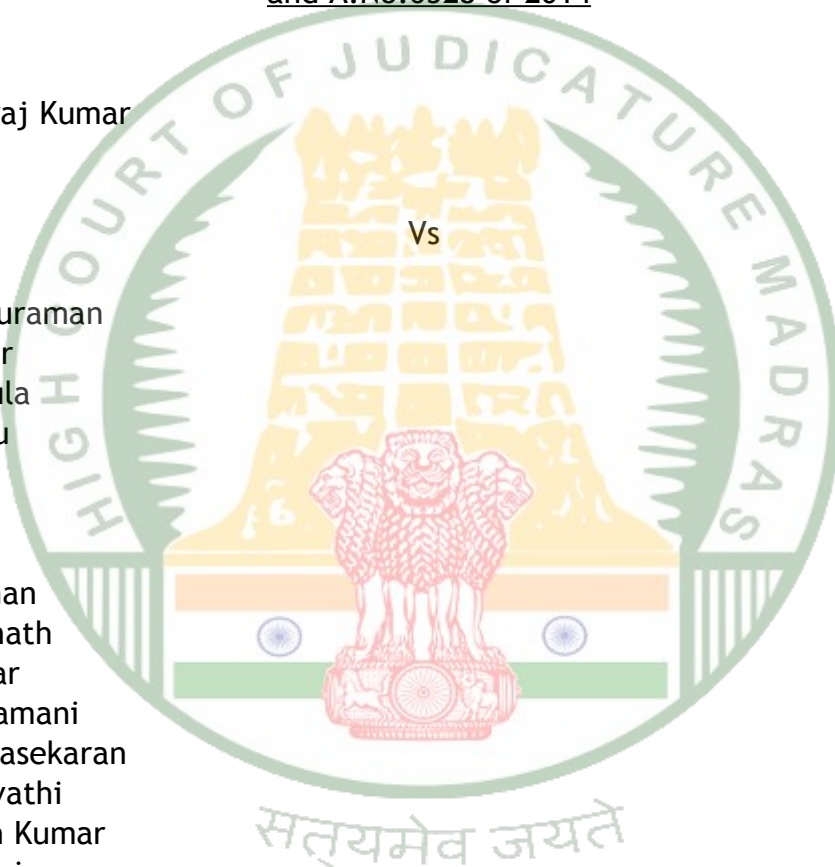
C.S.No.594 of 2014
and A.No.6528 of 2014

K.R.Selvaraj Kumar

... Plaintiff

Vs

1. J.Parusuraman
2. Sugumar
3. S.Manjula
4. Chandru
5. Ambiga
6. Mathi
7. Ravi
8. Saravanan
9. C.Gopinath
- 10.R.Kumar
- 11.D.Subramani
- 12.K.Dhanasekaran
- 13.Kirupavathi
- 14.R.Anish Kumar
- 15.P.Shalini
- 16.M.Shanthi
- 17.E.Kowsalya
- 18.Elumalai
- 19.S.Parimala
- 20.A.Sarasu
- 21.S.Ramani
- 22.M.Venmathi
- 23.P.Kalyani



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24.B.Thamarai

... Defendants

Plaint filed under Order IV Rule I of Original Side Rules read with Order VII Rule 1 of CPC, praying for judgment and decree as follows:

a) to direct the defendants to pay Rs.2,00,00,000/- (Rupees two crores only) jointly and severally to the plaintiff.

b) for costs of the suit.

For Plaintiff : Mr.T.Dhanasekaran
For Defendants : set ex-parte

JUDGMENT

This suit has been filed, seeking two crores as damages from the defendants.

2. According to the plaintiff, he is affected by polio and 80% physically challenged person. He hails from lower middle class family and both of his parents are illiterates. After successfully completed law, he is practicing as an Advocate. It is alleged that since he belongs to fisherman community, the defendants are having animosity with him.

3. It is the case of the plaintiff that on 02.02.2014, his father passed away and thereafter his friends assembled in his house to pay their homage. At that time, more than 20 persons belong to the Village, who are defendants in

the suit, had interrupted the funeral procession stating that the plaintiff does not belong to the Village and demanded Rs.2 lakhs as "Dhanda Vari". Thereafter, on 03.12.2014, the defendants caused huge damages to the house of the plaintiff. Though the Police officials were present in the scene, but they were only mute spectators. Hence, he made complaint with the Inspector of Police, Kasimedu Police Station. Since no action was taken, he sent a complaint by SMS to the Commissioner.

4. It is further stated that on behalf of the defendants, false complaints were given against the plaintiff and they have been registered in Crime Nos.113 of 2014 and 179 of 2014 and they have been stayed by this Court in Crl.O.P.Nos.3226 of 2014 and 6193 of 2014.

5. Though the defendants were served with suit summons in the year 2014, they have not entered appearance and filed written statement. Hence, the defendants were set ex-parte.

6. Mr.T.Dhanasekaran, learned counsel for the plaintiff would submit that the plaintiff has been falsely implicated in the Criminal cases. According to the learned counsel, if the complaints are genuine, the defendants would

have contested the suit. It is further argued that the plaintiff by examining himself as PW1 and by marking the documents has proved the case and hence, the suit may be decreed.

7. I am not able to agree with the submissions of the learned counsel for the plaintiff. It is an admitted fact that the plaintiff is an Advocate and he is practicing in the High Court. It is not disputed that all the 24 defendants are fishermen in the Village. Indisputably, the complaints against the plaintiff have not been quashed yet and the quash proceedings are still pending. According to the complaint in Crime No.113 of 2014, on 03.12.2014 the plaintiff attacked one Kalyani when the defendants came to the office of the plaintiff to enquire about the previous day incident. Perusal of the complaints, which are marked as Exs.P1 to P3 would show that serious allegations were made against the plaintiff and he has not been honourably acquitted in the criminal cases so far.

8. It is relevant to note that claim for damages can be entertained only after acquittal of accused in criminal cases. Further, burden of proof is on the plaintiff to prove how he suffered damages. In the instant case, except Exs.P1 to P4, which are copies of the First Information Reports, no other material is available on record in support of the case of the plaintiff. The

backdrop of the case would suggest that this suit has been instituted with an ulterior motive. Hence, this Court is of the opinion that the plaintiff is not entitled for the relief sought for in the suit.

9. In the result, the suit is dismissed as devoid of merits. No costs.

Consequently, connected application is closed.

27.11.2019

Index : Yes/No
Internet: Yes/No
Speaking Order/Non Speaking Order
pvs

To
The Sub Assistant Registrar,
Original Side,
High Court, Madras.

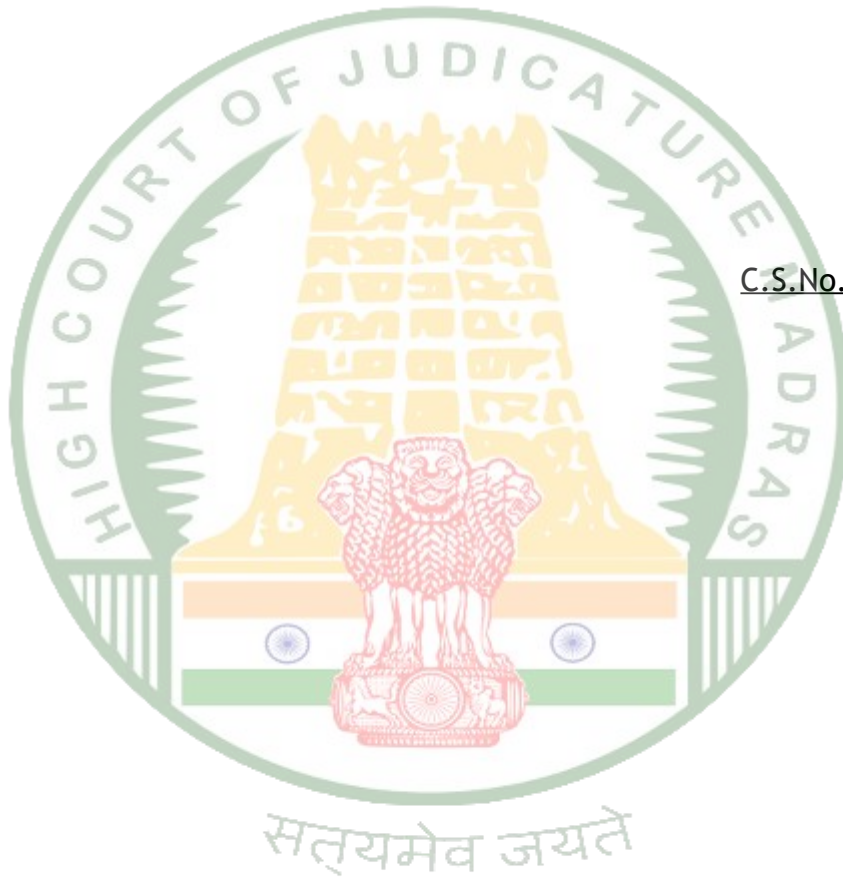


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pvs



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