



WEB COPY

CRP (MD) No. 623 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.10.2020

CORAM :

THE HONOURABLE MR. JUSTICE **N. SESHASAYEE**

C.R.P (MD) No. 623 of 2020

and C.M.P (MD) .No. 4019 of 2020

1. M.K.M.Kabeer Secretary, Muslim Orphanage Committee, Kadir Nagar, High Ground, Tirunelveli - 11.
2. T.E.S. Naina Mohamed, President, Muslim Orphanage Committee, Kadir Nagar, High Ground, Tirunelveli - 11.
3. M.K.M.Mohamed Shafi, Treasurer, Muslim Orphanage Committee, Kadir Nagar, High Ground, Tirunelveli - 11.
4. Muslim Orphanage Committee, Through its Secretary, Kadir Nagar, High Ground, Tirunelveli - 11. ...Petitioners/Petitioners/Defendants

- Vs. -

S.Jaffer AliRespondent/Respondent
/Plaintiff

PRAYER: The Civil Revision Petition filed under Article 227 of Constitution of India, to allow the Civil Revision Petition and set aside the fair and decreetal order dated 24.09.2019 made in I.A.No.1138 of 2018 in O.S.No.542 of 2017 on the file of the I Additional District Munsif Court, Tirunelveli.

For Petitioners : Mr.Prem Ayyadurai
For M/s.Ajmal Associates

O R D E R

The suit is laid for defamation on the ground that the plaintiff, who was a member of the fourth defendant Society, was expelled, which fact was published in a newspaper by the defendants. Contending that the bye-law of the Society does not provide for such publication, and feeling aggrieved that his reputation has been brought down in the eye of the right thinking members of the Society, the plaintiff has filed the suit for defamation. The defendants entered appearance and filed I.A.No.1138 of 2018 under Order 7 Rule 11(a) C.P.C for rejection of plaint on the ground of non-disclosure of cause of action. This came to be dismissed and this is challenged in this revision.

2.Heard the learned counsel for the revision petitioners and perused the records.

<https://hcservices.ecourts.gov.in/hcservices/>



3. The learned counsel for the petitioners made a valiant effort to convince the Court that the nature of the activity engaged by the fourth defendant Society is about running an Orphanage for children, and it is important that the public is alerted about the expulsion of the plaintiff from the affairs of the Society.

4. The plaint on a plain reading disclosed a *prima facie* existence of a cause of action for entertaining the suit and whatever the learned counsel for the revision petitioners has submitted will probably be a good defence in resisting the claim of the plaintiff.

5. This Court is satisfied that the trial Court's order is in order and that it does not warrant any interference under Article 227 of the Constitution of India.

6. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

msa/cm

To

The I Additional District Munsif
Tirunelveli

C.R.P (MD) No. 623 of 2020

and

C.M.P (MD) .No. 4019 of 2020

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SR (CO)

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