



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 27TH DAY OF JULY 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

C.S. No.137 of 2009

Dr.Chandrika Ayyar,
C/o. Mr.S.Jagannathan,
New No.9 (Old No.4),
Jagadeeswaran Street,
T.Nagar,
Chennai-600 017.

... Plaintiff

Versus

1.D.Vijayabaskar,
S/o.Dhanapalaiya,
F-Block,
20/7, 4th Floor,
3rd Main Road,
Anna Nagar,
Chennai 600 040.

2.P.Papayammal,
No.129/2B, "G" Block,
1st Main Road, 75/4,
Anna Nagar East,
Chennai 600 102.

... Defendants

Civil suit praying that this Hon'ble Court be pleased to pass a judgment and decree against the Defendants jointly and severally:

a) For Rs.10,00,000/- towards damages for defaming the reputation of the Plaintiff:

b) For Rs.17,55,000/- towards loss of income caused by the



Defendants in preventing the sale transaction of the Plaintiff's property and the unnecessary expenditure incurred by the plaintiff towards apartment rent.

c) For a Permanent Injunction restraining the Defendants, their men, servants or agents from indulging in defamatory speech or statements containing defamatory imputations against the Plaintiff and publicising the same:

d) For a Permanent Injunction restraining the Defendants, their men, servants or agents from visiting and threatening her at her place of residence or any other place where she stays and interfering with her activities:

e) directing the Defendants to handover the original documents detailed in para 9 of the Complaint and admitted by them to be in their possession:

f) costs of the suit.

This suit coming on this day before this court for hearing in the presence of Ms.G.Sumithra, Advocate for the plaintiff herein and M/s.C.Narayanan and M.Velmurugan, Advocates for the defendants herein and upon reading the complaint filed herein and this court having observed that Chandika Ayyar the plaintiff, died on 02.11.2015, since the suit is for damages caused due to defamation and other acts, the cause of action dies

with the person, it is also to be noted that the second class heirs of



Chandrika Ayyar, who entered appearance and got impleaded in other connected suits, have chosen not to file any implead application. **It is ordered as follows:**

That the suit in C.S.No.137 of 2009, be and is hereby dismissed as abated.

2) That there shall be no order as to costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
27TH DAY OF JULY 2021.

Sd/-
ASSISTANT REGISTRAR (Comm.Cases)
//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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C.S. No.137 of 2009

ORDER

DATED : 27.07.2021

THE HON'BLE DR.JUSTICE

G.JAYACHANDRAN

FOR APPROVAL: 06.09.2021

APPROVED ON: 07.09.2021



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5

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.07.2021

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.S.No.137 of 2009

Dr.Chandrika Ayyar,
C/o.Me.S.Jagannathan,
New No.9 (Old No.4)
Jagadeeswaran Street,
T.Nagar,
Chennai – 600 017.

.. Plaintiff

/versus/

1.D.Vijayabaskar,
S/o.Dhanapalaiya,
F-Block,
20/7, 4th Floor,
3rd Main Road,
Anna Nagar,
Chennai- 600 040.

2.P.Papayammal,
No.129/2B, “G” Block,
1st Main Road, 75/4,
Anna Nagar East,
Chennai-600 102.

.. Defendants

This Civil Suit is filed under Order IV Rule 1 Original Side Rules read with Order VII Rule 1 of CPC, prayed for (a) For Rs.10,00,000/- towards damages for defaming the reputation of the Plaintiff;

(b) For Rs.17,55,000/- towards loss of income caused by the



Defendants in preventing the sale transaction of the Plaintiff's property and the unnecessary expenditure incurred by the Plaintiff towards apartment rent;

(c) For permanent injunction restraining the Defendants, their men, Servants or agents from indulging in defamatory speech or statements containing defamatory imputations against the plaintiff and publicising the same;

(d) For a permanent injunction restraining the Defendants, their men, Servants or agents from visiting and threatening her at her place of residence or any other place where she stays and interfering with her activities;

(e) Directing the Defendants to handover the original documents detailed in para 9 of the Plaint and admitted by them to be in their possession;

(f) Costs of the suit.

For plaintiff : Ms.G.Sumithra
For Defendants : Mr.C.Narayanan
Mr.M.Velmurugan

JUDGMENT

The suit is filed by one Chandrika Ayyar against the defendants



reputation and loss of income incurred due to act of the defendants preventing her from entering the sale proceedings in respect of the property.

2. The said Chandrika Ayyar died on 02.11.2015. Since the suit is for damages caused due to defamation and other acts, the cause of action dies with the person. It is also to be noted that the second class heirs of Chandrika Ayyar, who entered appearance and got impleaded in other connected suits, have chosen not to file any implead application.

3. For the above said reason, the suit is dismissed as abated. There shall be no order as to costs.

Sd./-G.J.J.
27.07.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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