

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30/01/2017

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.S.No.885 of 2015

S.Devaraj Gunasekaran

... Plaintiff

Vs

Jaguar Thangam,  
Ex. Secretary and Ex. Member,  
Film & T.V. Producers Guild of South India,  
Proprietor, World Star Movies,  
No.59, Annal Gandhi Street,  
M G R Nagar, Chennai-600 078.

... Defendant

The Civil Suit is filed under Order VII Rule 1 of CPC read with Order IV Rule 1 of H.C.O.S. Rules, (a) directing the defendant to pay Rs.25,01,000/- (Rupees Twenty Five Lakhs and One Thousand only) to the plaintiff towards damages for the false scandalous and malicious statements made, propagated and published by the defendant in the Bulletin of the association named Film and Television Producers Guild of South India, June 2015 issue; (b) to direct the defendant pay the cost of the suit.

For Plaintiff : Mr.M.Vijayakumar

For Defendant : Set ex-parte

## **J U D G M E N T**

The case of the plaintiff is as follows:-

The plaintiff is a one of the renowned and leading Film Producers-cum-Financier. He is the Honorary Secretary of the Association named "Film and T.V.Producers Guild of South India" and the Association was formed for the welfare of the members, both from the Film Sector and TV Sector. When the Association was moving smoothly and peacefully to achieve its object, the defendant and his friends started indulging in anti-social activities.

2. The plaintiff has alleged that in the Executive Committee meeting convened on 30.07.2014, the defendant created troubles and also used unparliamentary words against the plaintiff and the President of the Association. So, a police complaint was given on 22.08.2014 to the Assistant Commissioner of Police, Mambalam. Further action was taken by the Association against the defendant and other members. On account of the action taken by the Association, the defendant started indulging in making false, frivolous and malicious allegations against the plaintiff, attributing mala-fides and financial irregularities, which was published in the News Bulletin of the Film and T.V. Producers Guild of South India in June 2015. Since the allegations

are totally false and they were made with an intention to defame the plaintiff's name and reputation, he issued a notice dated 06.08.2015 to the defendant calling upon him to tender an unconditional apology and withdraw the false allegations made against him and also sought for damages of Rs.25 lakhs.

3. Though the notice was duly served on the defendant on 07.08.2015, he neither chose to send any reply nor comply with the demands. Hence, the Suit has been filed for a direction to the defendant to pay Rs.25,01,000/- to the plaintiff towards damages for the false scandalous and malicious statements made, propagated and published by the defendant in the Bulletin of the association named Film and Television Producers Guild of South India, June 2015 issue; and to direct the defendant pay the cost of the suit.

4. The learned counsel for the plaintiff would submit that the plaintiff examined himself as P.W.1 and marked the following documents as Exs.P1 to P3 as documentary evidence in order to prove the suit claim:-

- 1) Ex.P1 is bulletin of the Association
- 2) Ex.P2 is the notice issued by the plaintiff to the defendant
- 3) Ex.P3 is the acknowledgment card

5. The learned counsel for the plaintiff further submitted that the plaintiff has proved his case and the Suit will have to be decreed.

6. The defendants were set-exparte on 04.11.2016. The said position continued as of now. Taking into consideration, the pleadings, the evidence of P.W.1 and Exs.P1 to P3, this Court is of the view that the plaintiff has proved his case and the Suit is liable to be decreed and accordingly, the Suit stands decreed. No costs.

**30/01/2017**

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**K.KALYANASUNDARAM, J.**

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To

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

**C.S.No.885 of 2015**

**30/01/2017**

<http://www.judis.nic.in>