



WEB COPY



C.R.P(PD).No.1976 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 29.06.2022**

**CORAM :**

**THE HONOURABLE MS. JUSTICE R.N.MANJULA**

**C.R.P.(PD).No.1976 of 2022**  
**and C.M.P.No.10071 of 2022**

V.Murugesan

... Petitioner

..Vs..

S.M.Gunasekaran

... Respondent

**Prayer:-** Civil Revision Petition is filed under Article 227 of Constitution of India, to struck off the Plaint in O.S.No.42 of 2022 on the file of Principal District Judge, Nagapattinam, Nagapattinam District.

For Petitioner : Mr.C.Prakasam

\*\*\*\*

**ORDER**

This Civil Revision Petition has been preferred to struck off the plaint in O.S.No.42 of 2022 on the file of Principal District Judge,



C.R.P(PD).No.1976 of 2022

Nagapattinam, Nagapattinam District.

2.The Revision Petitioner is the Defendant in the suit filed by the Respondent/Plaintiff claiming damages to the tune of Rupees Two Crores.

3. The learned counsel appearing for the Petitioner contended that the Plaintiff was acting as President of Kangalancheri Panchayat during the period between 1996 to 2006; since he committed many irregularities in the Panchayat and misappropriated the Panchayat funds, the Defendant questioned him and even filed a Writ Petition in W.P.No.16445 of 2017 to conduct enquiry with regard to the irregularities committed by the Plaintiff and in pursuance to the directions of this Court, enquiry was also conducted and the irregularities committed by the Plaintiff also came to light; suppressing the previous facts, the Plaintiff has filed the suit for damages on the ground that the Defendant has made defamatory statements against him and that affected his reputation and showed him



in poor light before the public.

4. The learned counsel appearing for the Petitioner submitted that since there is an element of truth in the legal action taken by the Revision Petitioner against the Respondent/Plaintiff, the suit filed for damages itself is not maintainable and it should be struck off. It is the further contention of the learned counsel for the Petitioner that such kind of suits are filed only to threaten any one who dares to bring out the various irregularities committed by the people like the Plaintiff who occupied a position and authority.

5. Admittedly, the suit has been filed alleging that the statements made by the Revision Petitioner against the Plaintiff are all defamatory and libelous. On the basis of the averments made in the Plaint, the suit got numbered and pending before the Court. If the Revision Petitioner has got a good defence and actions taken by him against the Plaintiff was with good intention and to bring out the truth without any malice,



C.R.P(PD).No.1976 of 2022

WEB COPY

that itself can serve as a good defence for him. But, without allowing the Court to look into facts and render findings on the issues by conducting the trial, the suit cannot be struck off by stating that it is not maintainable. In simpler terms, the maintainability of the suit can be seen in consonance with the cause of action averred by the Plaintiff. At the time of taking the Plaint on file, no roving enquiry can be done and the suit cannot be struck off as such. When there are contentious issues are made before the Court, the Court cannot reject the Plaint without admitting it for trial.

6. In view of the same, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

**29.06.2022**

arr

Index:Yes No

Speaking Order:Yes/No

4/6



WEB COPY



C.R.P(PD).No.1976 of 2022

To

- 1.The Principal District Judge,  
Nagapattinam, Nagapattinam District.
- 2.The Section Officer,  
VR Section, Madras High Court,  
Chennai.



WEB COPY



C.R.P(PD).No.1976 of 2022

**R.N.MANJULA,J.**

arr

**C.R.P.(PD).No.1976 of 2022**  
**and C.M.P.No.10071 of 2022**

**29.06.2022**