



A.No.2854 of 2020
in
C.S.No.124 of 2020

P.VELMURUGAN.,J

This application has been filed by the applicant/second defendant to strike out the name of the applicant from the plaint filed by the respondent/plaintiff in C.S.No.124 of 2020.

2. Learned counsel for the applicant submitted that it is not even disclosed as to how he made defamatory statement against the plaintiff and he is no way responsible for that. Hence, he prayed to allow the application.

3. Learned counsel for the respondent submitted that in paras 5 and 6 of the plaint averments, he has pleaded how the second defendant is responsible for defamatory statement and the earlier application for rejection of plaint was also dismissed by this Court. Hence, he prayed to dismiss this application also.

4. Heard and perused the materials available on record.

5. While considering an application filed to strike out of the applicant's name from the plaint, this Court has to see the averments in the plaint and not



the defence taken by the defendants. On a reading of the averments in the plaint and also the documents annexed to it, it is pleaded that the applicant/second defendant is also responsible for that. Whether he is responsible and how he is related, can be decided only at the time of trial and not at this stage.

6. All the grounds taken by the learned Senior Counsel for the applicant are matters for trial. Therefore, at this stage, the averment reveals the cause of action against this applicant also. Therefore, this application is dismissed.

7. The third defendant had already filed written statement. List the Suit on 23.03.2022, for filing written statement of other defendants.

07.03.2022

mfa