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A.No.4808 of 2022 in
C.S.No.581 of 2015

G.CHANDRASEKHARAN.,J

A.No.4808 of 2022 is filed to permit the applicant to call the witnesses listed in the application through summons from this Court to appear and adduce evidence in the suit in C.S.No.581 of 2015.

2. It is submitted by the learned counsel for applicant that name of these witnesses have been mentioned in plaint in paragraph No.32. Plaintiff received repeated phone calls from all his well wishers with regard to the defamatory publication made by the defendants. Apart from these witnesses the names of other persons had also been mentioned in the plaint, who made enquiries about the defamatory publication made by the defendants. Therefore, examination of these witnesses are necessary to establish the plaintiffs case.

3. The learned counsel appearing for the respondent / defendant opposed this application on the ground that no reason has been stated in the affidavit in support of examination. It is further requested that there may be granted time for filing



counter.

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4. Heard the submissions of both sides. The suit is filed for claiming a sum of Rs.1,50,00,000/- each towards damages with interest at the rate of 9% p.a from the defendants to both the plaintiffs. The cause of action for filing the suit is that the defendants made publication in Times of India on 05.07.2014 within the jurisdiction of this Court making defamatory allegations against the plaintiffs. As pointed out by the learned counsel for the Applicant that in Paragraph 32 of the plaint, six persons names have been mentioned stating that applicant received phone calls from them on account of defamatory publication made by the defendants.

5. In the said circumstances, this Court is of the considered view that the examination of these witnesses is absolutely necessary with regard to phone communications they had with the plaintiff on the defamatory publication made by the defendants. Therefore, counter is not necessary. Plaintiff is legally entitled to examine these witnesses. Giving time for filing counter will only protract the proceedings in this matter. Accordingly, this application is allowed. The Registry is directed to send the matter back to the learned Additional Master III for examination of these witnesses.



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6. Post this case on 29.11.2022.

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08.11.2022



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