



C.R.P. No.663 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

**C.R.P.No.663 of 2023
and
C.M.P. No. 5204 of 2023**

1. S.K.Murugan
Editor,
Kumbudham Publications Pvt. Ltd.

2. T.L.Sanjeevi Kumar,
Joint Editor,
Kumudbam Publications Pvt. Ltd.

3. T.Babu,
Senior Reporter,
Kumudbam Publications Pvt. Ltd.

... Petitioners

Versus

1. Pravin J Chandran,
Managing Director,
RMP Infotech Private Ltd.

2. Varadarajan,
Chairman of Group and Publisher,
On behalf of Kumudham Publications
Pvt. Ltd.

... Respondents



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PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair order dated 03.03.2023 of the XV Addl. City Civil Court, Chennai made in I.A. SR.No.22299 of 2023 in O.S.No. 1225 of 2023 by allowing the Civil Revision Petition throughout with cost.

For Petitioners : Mr.V.Raghavachari
Senior Advocate
for Mr.T.Vardhaman Jain

For Respondents : Mr.N.A. Nissar Ahmed,
Senior Advocate for
Mr.M.Rajavelu

ORDER

The Revision Petitioners herein are the defendants in the suit in O.S.No. 1225 of 2023 on the file of XV Addl. City Civil Court, Chennai. The said suit was filed by the 1st respondent/plaintiff claiming damages for a sum of Rs.11 lakhs towards defaming the plaintiff by publishing an article “Accused Ungal Arugil” in the Tamil Magazine Kumudham Reporter from 13.12.2022 to 03.02.2023.



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2. In the said suit, notices were served on the defendants and they have appeared through their counsel and contested the suit. The defendants filed an application to reject the plaint under Order 7 Rule 11 (a) of C.P.C. stating that the company RMP Infotech Pvt. Ltd. was already struck off and the said company has no locus standi to file the said suit. Hence, they prayed to reject the plaint. The said application was assigned SR. No.as 22299 of 2023, but the trial judge before taking it on file, rejected the said application stating that on perusal of small cause title, the plaintiff is an individual person, who styled himself as Managing Director of the company and in long cause title, the name of a person and his address alone is stated as individual person. Therefore, though the company has filed a suit, in the cause title, the company is not arrayed as plaintiff and the article published also concerned with family members. Since the company is not the plaintiff, the plea raised by the petitioner that the suit is barred by law cannot be accepted. Accordingly, the said application was rejected. Challenging the said findings, the present Civil Revision Petition has been filed.



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WEB COPY 3. Notice served on the respondent and through learned senior counsel for respondent also appeared. Heard both sides.

4. The learned senior counsel appearing for revision petitioners argued that before numbering the application, the trial judge at the threshold, without going into the merits of the case, rejected the application, as such it is erroneous one. In fact, the Revision Petitioners are having valid defence to prove that the plaint was filed only on behalf of the company, which was already struck off and it has no right to proceed with the trial, but the trial court without giving opportunity to prove the said fact, at the inception itself, dismissed the application, which is unfair and the same is liable to be set aside.

5. The learned senior counsel appearing for 1st respondent would submit that even on bare perusal of the small cause title, the plaintiff name is mentioned as Pravin J Chandan and not mentioned the name of company. However, in the long cause title, his residential address was furnished,



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which itself clearly implicate that the company has not filed the above suit and the same was rightly appreciated by the trial judge, which needs no interference. Hence, he prayed to dismiss this Civil Revision Petition.

6. On considering both side submissions and on perusal of records, it would reveals that the plaintiff has filed the suit in O.S.No. 1225 of 2023 claiming damages of a sum of Rs.11 lakhs towards defaming him. But, on perusal of plaint, it would reveals that only functioning of the company and the family members were defamed by an article published by the defendants. But, the trial judge on comparing small cause title and long cause title, directly arrived a conclusion that the company is not conducting the suit proceedings. Moreover, the small cause title reflects that the plaintiff is representing as Managing Director of RMP Infotech Pvt. Ltd. So, it denotes that the company is also represented by the plaintiff. So, the trial judge ought to have given opportunity to the Revision Petitioners to prove their claim. In spite of that, at the initial stage itself, the application was rejected by the trial court, as such is totally erroneous. Accordingly, this Civil Revision Petition is allowed and the order passed by the trial judge is set aside. However, the trial judge is directed to take the application on file



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and dispose the suit as expeditiously as possible on merits.

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7. Furthermore, this court also noted that the order was passed on 03.03.2023, but the SR number was assigned on 04.03.2023, which would shows that before assigning the SR number, on the previous day itself, the trial judge passed the order, which is unfair. Therefore, this Court reserves its right to call for explanation from the concerned trial judge on the administrative side calling upon him to explain how the SR number is assigned to the application on the next day after passing of the order. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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N.B. Registry is directed to call for explanation from the learned XV Addl. Judge, City Civil Court, Chennai and to submit a report before this court.

To

XV Addl. Judge,
City Civil Court,
Chennai.

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T.V.THAMILSELVI, J.

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