



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.1821 of 2023

and

C.M.P(MD)No.9096 of 2023

Rangarajan Narasimhan
Sanathana Dharmam/Sri Vaishnavam
“Arangan Thirumutram”
Kollidam Road,
400m West of Andavan Ashraman
Srirangam, Trichy-620 006.

... Petitioner/Petitioner/
Defendant

Vs.

P.Jayaraman

... Respondent/
Respondent/Plaintiff

Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 08.03.2023 made in I.A.No.2 of 2021 in O.S.No.277 of 2020 before the III Additional District Judge, Tiruchirappalli.

For Petitioner

:Mr.Rangarajan Narasimhan
(Party-in-Person)



ORDER

This revision is preferred as against the fair and decreetal order, dated 08.03.2023 made in I.A.No.2 of 2021 in O.S.No.277 of 2020 before the III Additional District Judge, Tiruchirappalli.

2. According to the revision petitioner, the respondent herein filed a suit in O.S.No.277 of 2020 for temporary injunction. During the pendency of the said suit, the petitioner filed a petition in I.A.No.2 of 2021, to reject the plaint on the ground that the suit is not maintainable, since the post pertains to the Temple administration and not on any individual. It is further stated that the plaintiff in his individual capacity has filed the above suit is not maintainable. The trial Judge, without appraising the evidence on records, simply dismissed the petition filed by the petitioner herein. It is further submitted that the respondent has no *locus standi* to file the above suit, since he was only discharging his function as Executive Officer Subordinate to the Trustees of the Temple and he cannot maintain the suit for defamation in his personal capacity.

3. Heard the person who appeared in person and perused the materials available on record.



4.On perusal of the records, it is seen that the plaintiff has filed the above suit for damages and for permanent injunction alleging that the defendant has made defamatory speeches and videos in Social Media.

5.The main contention of the petitioner herein is that the alleged defamatory speeches are not against the individual plaintiff and the suit does not disclose any cause of action against the defendant. He would submit if any allegation made against the Temple administration, it directly attracts the function of the Executive Officer. His further contention is that if any infirmity find out in the temple administration, the Executive Officer alone is answerable to such discrepancy, since the Executive Officer is alone administrating the day to day affairs of the temple. It is further contended that the alleged social media speeches is related to opening of temple Hundial. Therefore, the respondent/plaintiff has no locus standi to file the above suit and there is no cause of action to file the suit against the petitioner/defendant and the suit is liable to be rejected. In the impugned order, the trial Court has observed as follows:

“9. All facts relating to opening of Hundial and Publishing video of the a defendant or disclosed in the plaint. These are all admitted by the defendant. Whether the speeches and video are defamatory can be decided only in the trial. Without adducing both side evidence the merits of the cause of



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action cannot be decided. It is needless to say that cause of action is the bundle of facts. It can be concluded only after examining both side evidence. The learned respondent council relied on a ruling reported in 2006 SAR (Civil) 209 Mayar (H.K) Ltd. and others owners and parties, Vessel M.V. Fortune, where in para 11 reads as follows:

"From the above said, it is apparent that the plaint cannot be rejected on the basis of the allegations made by the defendant in his written statement or in an application for rejection of the pliant. The Court has to read the entire plaint as a whole to find out whether it discloses a cause of action and if it does, then the plaint cannot be rejected by the Court exercising the powers under Order VII Rule XI of the Code. Essentially, whether the plaint discloses a cause of action, is a question of fact which has to be gathered on the basis of the apartments made in the plaint in its entirety taking those apartments to be correct. A cause of action is a bundle of fact which are required to be proved for obtaining relief and for the said purpose, the material facts are required to be stated but not the evidence except in certain cases where the pleadings relied on are in regard to misrepresentation, fraud, wilful default, undue influence or of the same nature. So long as the plaint discloses some cause of action which requires determination by the court, mere fact that in the opinion of the Judge the plaintiff may not succeed cannot be a ground for rejection of the plaint"



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6.On perusal of the order of the Court below, it is found that there is no infirmity found in the said order, which calls for no interference by this Court. Hence, the Civil Revision Petition is dismissed. However, the petitioner is at liberty to raise all his defence before the trial Court. No costs. Consequently, connected miscellaneous petition is closed.

28.07.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
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To

- 1.The III Additional District Judge,
Tiruchirappalli.
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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