



CRP No.922 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.922 of 2024
and CMP.No.4643 of 2024

1.Arumugam
2.Ramesh Kumar
3.K.Chanadramouli

... Petitioners

Vs.

N.Muralidharan

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the decree and judgment order dated 31.10.2023 made I.A.No.3 of 2023 in O.S.No.2 of 2023 on the file of the learned Principal District Court, Thiruvarur.

For Petitioners : Mr.G.Mohan



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ORDER

The civil revision petition is filed to set aside the order dated 31.10.2023 passed in I.A.No.3 of 2023 in O.S.No.2 of 2023 on the file of learned Principal District Court, Thiruvavarur.

2. The learned counsel for the revision petitioners submitted that the revision petitioners are defendants and the respondent is plaintiff in O.S.No.2 of 2023 on the file of the Principal District Court, Thiruvavarur. The plaintiff filed suit against the defendants with the following prayer:

"(a) Directing the defendants jointly and severally to pay an amount of Rs.20,00,000/- (Twenty Lakhs) to the plaintiff towards damages and compensation for defamation and slander,

(b) Restraining the defendants from making publication of scandalous and libel articles in the monthly magazine "Arasiyal Otran" in future or to restrain them from spreading rumours pertain to the plaintiff and his management of the institution through whatsapp,

(c) Directing them to pay the costs of the suit to the plaintiff and,



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(d) To grant such other reliefs as this Hon'ble Court may deem fit under the circumstances of the case."

3. The learned counsel for the revision petitioners would contend that the revision petitioners/defendants have not stated anything about the plaintiff school. They only stated about the Government granting permission for construction in the waterbody and hence no defamation is attributed against the plaintiff and no cause of action for the plaintiff to file the suit on the ground of defamation.

4. The learned counsel further submitted that the trial Court failed to consider this aspect and dismissed the petition filed by the revision petitioners/defendants in I.A.No.3 of 2023 in O.S.No.2 of 2023 for rejection of plaint. The learned counsel thus sought to allow the present CRP and set aside the impugned order.

5. On a Perusal of the records, It is seen that the revision petitions are



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the defendants and the respondent is the plaintiff in O.S.No.2 of 2023. _The plaintiff filed suit against the revision petitioners/defendants for damages and compensation for defamation.

6. The revision petitioners/defendants filed I.A.No. 3 of 2023 in O.S.No.2 of 2023 on the ground that they have not written any article against the plaintiff's school.

7. Para 4 of the plaint averments reads as follows:

"(iv) That in the issue of the said monthly magazine of June 2022 an article was published in Page No.6 under the title "Kalvi Adhigarigalin Udandhaiyudan Arasu Thervil Muraikedugal" and the photo depicting the plaintiff was also printed in the same page. The contents of the article referred above are far from truth besides derogatory, Drastic false allegations were also made in the said article as if CCTV camera was not put in use and the electric lights were switched off in the school premises in the crucial times. It is also mentioned in the article as if the plaintiff was involved in various sexual activities in the past which are scandalous and it is apparent that it was mentioned only to defame the plaintiff and cause aspersions among the students, parents, teachers and the public. Apart from it the 1st defendant had also spread rumours through whatsapp with an intention to disrespect the plaintiff. On coming to know of the



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defamatory contents of the article, the plaintiff issued a lawyer notice dated 13.06.2022 to the defendants 1 to 3 informing that the publication had humiliated him and his image was very much eroded and his health was affected due to hypertension and sleepless nights which caused injury to his mind and body and claimed damages to the tune of Rs.15,00,000/- (Fifteen Lakhs) for the loss of reputation and mental and bodily pain as on 13.06.2022; the defendants 1 to 3 contrived to return the notice."

8. Further in affidavit filed by the revision petitioners/defendants in

I.A.No.3 of 2023 para (iv) of the affidavit reads as follows:

"4. I state that the above suit is not maintainable as the suit is not filed with sufficient cause of action. It is pertinent to note that the 3rd defendant has established the above news publication the name and style of Arasiyal Otran for break the corruption done by the Government officer, Politicians and other big fish who are all ruined the society welfare and we have regular readers. The above news publication has been running more than a decade successfully. The above suit is filed by the plaintiff to seek damage of Rs. 20,00,000/- for defame publication has published two article under the captions of "கல்வி அதிகாரிகளுடன் அரசு தேர்வில் முறைகேடுகள் போலி ஆவணங்கள் மூலம் இயங்கும் தனியார் பள்ளி". The above articles were published on June 2022 and November 2022. It is pertinent to note that in June 2022 article I have written the above article under the common issue that the Government education institution levels are very low because of the corrupted District Education officer and they corrupted officer are always do favour for private education institution alone by getting bribe and I have written article about one of the example of the plaintiff school by stating that the build up area is a water bed land and there is basic structure shortage but the Government official grant permission to run the school. In November 2022 Article I have written about the fraud committed



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in the Government Examination and I mentioned about a incident that light and CCTV cameras were off and they were seizing the examination papers to correct the marks. It is pertinent to note that the in pleading there is no specific averment in pleadings that they denied the above allegation mere claiming of damages would not amount to deny the averment made in the Article. It is pertinent to note that after the above incident the government recall the approval of examination centre from the plaintiff school."

9. The averments in the plaint and the averments in the affidavit filed by the revision petitioners/defendants in I.A.No.3 of 2023 reveals that the plaintiff filed suit aggrieved by the June 2022 article which was published in page no.6 of the article by the revision petitioners. Further it is stated that the plaintiff photo has been affixed in the article with allegations that the plaintiff was involved in various sexual activities in the past which are scandalous. According to plaintiff/respondent, for the above defamatory contents in the article published by the respondent/defendants, the plaintiff filed suit seeking damages against the defendants.

10. The learned Judge considering all these facts and taking into consideration the plaint averments and also placing reliance on the judgement of the Honourable Supreme Court in ***Liverpool and London S.P And I Association Ltd vs. M.V.Sea Success I reported in 2004(9) SCC 512***



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found that there are no sustainable grounds raised in the I.A filed for rejection of plaint, but to proceed further in the suit.

11. I find no infirmity in the impugned order and no grounds of interference and that there are no merits in the civil revision petition. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Internet: Yes/No
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To
Principal District Court, Thiruvavur.



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V.SIVAGNANAM, J.

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