



C.S.No.169 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON	16.07.2024
PRONOUNCED ON	09.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No. 169 of 2021

and

O.A.No.264 of 2021

A.Rajendran

... Plaintiff

Vs.

S.P.Velumani

... Defendant

Prayer : Complaint filed under Order VII Rule 1 of CPC read with Order IV Rule 1 of Original Side Rules to pass a Judgment and Decree to against the defendant:

a).To pay damages for loss of reputation and mental agony for a sum of Rs.1,00,01,000/- to the plaintiff.

b).For a permanent injunction restraining the defendant, his men, agent, servants, and anyone claiming under him and acting on his behalf from in any way making imputations against the plaintiff, either directly or by innuendos, in any manner whatsoever.



For plaintiff	Mr.S.Manuraj
For defendant	Mr.S.Duraisamy

JUDGMENT

The Suit had been filed seeking a direction against the defendant to pay damages for loss of reputation and mental agony for a sum of Rs.1,00,01,000/- to the plaintiff and for a permanent injunction restraining the defendant from making any innuendos in any manner whatsoever and for such further orders.

2.The plaintiff, at the time of filing the suit was the Secretary in-charge of the Dravida Munnetra Kazhagam Party (DMK Party) for Sulur Union Division in Coimbatore. He had been an elected representative and held the post of the Union Councillor in Sulur Panchayat. He had also held the post of Union Chairman at Sulur Panchayat and had worked for the welfare of the people. He had been associated with the DMK party for over 25 years and had been leading a public life and was always considered as a person of repute among DMK party members and the general public. He stated that he was a responsible member of the society with impeccable character, good conduct



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and high standard and dignity. His good reputation was an integral part of his public life.

3.The defendant at the time of filing of the suit was the Minister for Municipal Administration, Rural Development and Implementation of Special Programme of Tamil Nadu and also the Organising Secretary and Secretary of Coimbatore South Rural District of the All India Anna Dravida Munnetra Kazhagam (AIADMK) political party. The defendant was ordinarily a resident of Chennai and therefore, the suit had been instituted in this Court.

4.It is the case of the plaintiff that the defendant, while addressing a political public meeting in Pollachi, had made several imputations and defamatory remarks against the plaintiff which the plaintiff claims are baseless and untrue. The plaintiff further stated that they are motivated attacks on the personal life of the plaintiff and his character with a view to cause disrepute to the plaintiff. The defamatory statement which was made by the defendant in his speech at Pollachi on 11.01.2021 is also extracted below:-



“அந்த மாதிரி, இதே மாதிரி... திழுகல அந்த இரயிலில் வந்து பாலியல் தொல்லை பண்ணுன... இதோ மு.க.ஸ்டாலின் இதுதான்... என்னோட போட்டோவ கனிமொழி காமிச்சிங்கல... இதுக்கென்ன பதிலு? உங்கண்ணன், உங்கண்ணந்தான் ஒட்டி நிக்குறாரு... நீங்க ஒரு பெண்ணா இருந்து கண்டிச்சிங்களா :பர்ஸ்டு... அதே போல...”

5.The plaintiff had also given a English translation and it is as follows:

“Like, Like wise in DMK, while traveling on a train, he has sexually harassed someone... here, This is M.K.Stalin... Kanimozhi, you have showed my picture.... What is the answer? Your brother, your bother is closely standing.... Firstly, as a woman would you condemn this? like this...”

6.It is stated by the plaintiff that while making the statement on 11.01.2021, the defendant was holding a picture of the plaintiff standing along with the then Leader of Opposition in the Tamil Nadu Legislative Assembly and the President of DMK Party, Thiru M.K.Stalin. It is stated that the defamatory statement had been made without any bonafide reason and was a misrepresentation of facts and false.



7.The plaintiff then narrated the sequence of events which transpired leading to the speech of the defendant.

8.On 11.03.2019, the plaintiff was travelling from Chennai to Coimbatore by train. He had been diagnosed with diabetes mellitus and was under treatment for five years. He had the necessity to use the rest room very frequently. During his travel, when he tried to climb down from the upper berth, by mistake, he slipped and fell on the lower berth where a woman passenger was sleeping. The plaintiff claimed that this fall had caused him to lose consciousness briefly. Before he could explain the situation, the woman passenger made an oral complaint to the TTR and the police constables were summoned. Thereafter, realizing what had happened, the woman passenger informed the railway authorities and asked them not to pursue action against the plaintiff.

9.But however, according to the plaintiff, owing to constant pressure induced by political persons associated with AIADMK Party, after more than 15 days, the authorities went to the house of the woman passenger and recorded a complaint from her husband and registered a FIR in Crime No.62



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of 2019 on 26.03.2019.

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10.Later the woman passenger appeared before the Judicial Magistrate, Additional Mahila Court, Salem on 05.04.2019 wherein, her statement was recorded and it is stated that she stated “*it was not done purposefully*” and “*it just happened*”.

11.The plaintiff then filed CrI.O.P.No.14433 of 2019 seeking to quash the First Information Report. A learned Single Judge of this Court by order dated 14.06.2019 quashed the First Information Report and all consequent proceedings.

12.It had been stated that the defendant, like other AIADMK party members, were trying to save their image because of the ongoing CBI investigation and enquiry into the Pollachi sexual crimes and therefore, they raised this issue against the plaintiff.

13.The plaintiff claimed that the fact that the FIR was quashed should have been known to the defendant who was a Member of the Council of



Ministers of the State of Tamil Nadu. However, the defendant still continued to make defamatory statement to tarnish the image of the plaintiff. The plaintiff claimed that as a public figure, his reputation is a valuable asset. It was also stated that the defendant cannot avail the defence of truth since the defamatory statement was contrary to facts. The defendant had accused the plaintiff of having committed an offence of sexual harassment which is contrary to truth. The defendant had given an impression as if the case was still pending, when the FIR itself had been quashed by this Court.

14.The plaintiff further stated that the statement had caused irreparable injury and hardship. Many of his well-wishers and friends and office bearers of the DMK party contacted him after watching and hearing the speech made by the defendant on 11.01.2021 on television and social media and questioned the plaintiff regarding the same. It was also stated that the defendant made derogatory, untrue and defamatory imputations against the plaintiff which are ex facie false and baseless. It was stated that this act of the defendant was politically motivated. The defendant represented the Thondamuthur Constituency and was in-charge of South Rural District for AIADMK and therefore, there was malafide in his action.



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15.It was stated that the Courts have always advised persons holding political office to refrain from making defamatory remarks.

16.It was under these circumstances that the suit had been filed seeking damages of a sum of Rs.1,00,01,000/- for damages for loss of reputation and mental agony against the defendant and for permanent injunction restraining the defendant from making further imputations against the plaintiff either directly or by innuendos.

17.The defendant filed his written statement, wherein, he denied all allegations as false, baseless and misleading. He also contended that the suit was a sheer abuse of process of Court and had been filed to harass the defendant. He also stated that his status was correct and that he was the Minister for Municipal Administration, Rural Development and Implementation of Special Programme of Tamil Nadu and was also the Organising Secretary and Secretary of Coimbatore South Rural District of AIADMK party. However, it was denied that he was a resident of Chennai. he claimed that his permanent residence was Sugunapuram, Kuniyamuthur Post,



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Coimbatore. He temporarily resided in Chennai since he was a Minister of State Government.

18.The defendant denied that the plaintiff was holding any post in DMK party and that he had unimpeachable character and good conduct and maintained high standard of dignity. The contentions of the speech of the defendant were denied. It was stated that, even if it is were to be read, the name of the plaintiff was never mentioned in the speech. It had therefore been stated that, it is not known how the statement affected the alleged reputation of the plaintiff. It was also stated that holding the picture of the plaintiff with the Leader of Opposition would not amount to defamation. It was stated that it was a fact that the railway police at Salem had registered the First Information Report against the plaintiff in Crime No.62 of 2018 on 26.03.2019 for the offence under Section 354(A) IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002. Thereafter, further offence under Sections 294(b) and 506(ii) IPC were also included in the First Information Report.



19. In the written statement, the defendant also extracted portions from the First Information Report. It would not be required at this juncture to extract the same again. It was the case of the defendant that the plaintiff was travelling in a fully drunken condition from Chennai to Coimbatore. It was stated that in an intoxicated condition at midnight, the plaintiff misbehaved with a middle aged lady lying in the lower berth in the AC coach. The defendant stated that it was only fit to tell the public about the character of persons like the plaintiff for misbehaving with ladies while travelling in the train. It was also stated that the victim had also stated there was smell of alcohol on the plaintiff, when he fell down.

20. The defendant therefore reiterated that the plaintiff was in drunken condition while travelling in a public train. He stated that whether purposefully or not, the plaintiff still fell on the lady and after she pushed him. He was not able to wake up for 15 minutes due to the effect of the alcohol. The defendant stated that he was not aware as to what transpired between the victim and the plaintiff after the case was registered. He stated that a compromise had been effected and it was only on that basis, the First Information Report was quashed. He stated that it was not quashed on merits.



The incident however, was not denied. The allegations in the First Information Report remained intact.

21.It was also stated that the public used to talk about the indecent behaviour of the plaintiff with a lady in a drunken condition in a running train. The defendant denied that the plaintiff was a diabetic patient. The defendant stated that the plaintiff, being a representative of a political party must accept that his activities is open to criticism for any act committed in front of the public and therefore, the plaintiff cannot claim any immunity or right of privacy. It was stated that the speech of the defendant was made on the basis of the available records and on the basis of the First Information Report and also upon the affidavit in the compromise which reiterated that the plaintiff fell on the victim. It was therefore contended that there was nothing wrong in telling the people as to why the First Information Report was registered.

22.The defendant also stated that the statement being a reflection of truth and supported by a public document like First Information Report would not amount to defamation. It was also stated that it was incorrect to state that the woman passenger informed the railway authorities not to pursue action



against the plaintiff. It was the plaintiff who prevented the husband of the victim from lodging any complaint. It was stated that it was midnight and the lady was also pregnant and she was uncomfortable sitting in the police station and therefore, her husband took her away in the next available train, Qurla Express and went to Coimbatore. The railway authorities had taken a decision to register a FIR and the facts came to light only when it appeared in the press. It had been stated that after it was published, lakhs of people read the same and therefore, there was nothing wrong in the defendant speaking about it in the meeting.

23.The defendant denied that political persons belonging to AIADMK party had threatened the husband of the victim to lodge the complaint. In the First Information Report, it had been stated that the Inspector of Police went to Coimbatore on the directions of the superior officer and obtained a complaint from the husband of the victim. It had been again reiterated that even in the affidavit, the victim had stated that the plaintiff was drunk and fell on her and after she pushed him, he could not get up for about 15 minutes. It was reiterated that the First Information Report was only closed and was not quashed. The averments about the Pollachi incident were denied and it was



stated that it had nothing to do with AIADMK party members or the defendant. The defendant justified speaking about the incident before the public since it was a true story. It had therefore been stated that it would not amount to defamation.

24.It was also stated that the speech was on 11.01.2021 at Pollachi and not within the original jurisdiction of this Court. It had been stated that therefore, the Court does not have jurisdiction to examine the issues raised by the plaintiff. It had been contended that the competent Court was the Court at Pollachi alone. It was also stated that the defendant was not residing in the address given in the plaint. It was only a temporary address. It had also been stated that the nature of the loss suffered had also not been stated in the plaint and therefore, the suit itself is not maintainable and has to be dismissed with exemplary costs.

25.On the basis of the above pleadings, the following issues had been framed on 08.03.2022 for consideration:

“i).Whether the plaintiff is entitled to get the relief of damages as sought for in the plaint?



ii).Whether the plaintiff is entitled for a sum of Rs.1,00,01,000/- (Rupees One Crore and One Thousand Only) as damages as sought for in the plaint?

iii).Whether the plaintiff is entitled for the relief of permanent injunction as sought for in the plaint?

iv).Whether the plaintiff is entitled for the costs of the suit?

v).To what other relief the plaintiff is entitled for?”

26. Thereafter, the parties were directed to tender evidence. The plaintiff examined himself as PW-1. He filed his proof affidavit and also marked Exs.P1 to P5. Ex.P1 was the deposition of the lady before the Judicial Magistrate, Additional Mahila Court, Salem dated 05.04.2019. Ex.P2 was the certified copy of the order in CrI.O.P.No.14433 of 2019 dated 14.06.2019. Ex.P3 was the CD with true copy of transcripts, CD containing the speech of the defendant dated 11.01.2021 at Pollachi along with certificate under Section 65-B of Indian Evidence Act, 1872. Ex.P4 was the printout of the screen shot of the defendant while making the defamatory speech along with certificate under Section 65-B of Indian Evidence Act, 1872. Ex.P5 was the certified copy of the First Information Report in Crime No.62 of 2019 dated 26.03.2019. During cross-examination of PW-1, the defendant marked Ex.D1, the copy of the petition in CrI.O.P.No.14433 of 2019 and Ex.D2, a copy of

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Malai Malar newspaper dated 28.03.2019 and Ex.D3 a copy of Daily Thanthi newspaper dated 28.03.2019.

27.The defendant then examined himself as DW-1. He also filed his proof affidavit. The defendant did not mark any document during his chief examination.

28.Heard arguments advanced by Mr.S.Manuraj, learned counsel for the plaintiff and Mr.S.Duraisamy, learned counsel for the defendant.

29.Mr.S.Manuraj, learned counsel for the plaintiff pointed out that the suit had been filed seeking damages of Rs.1,00,01,000/- against the defendant and for permanent injunction restraining the defendant from making any innuendos or defamatory speeches against the plaintiff. He pointed out that the plaintiff was an active member of the DMK party and enjoyed a good reputation. He also held the post of Union Councillor and Union Chairman of the Sulur Panchayat. It had been stated that on 11.03.2019, the plaintiff was travelling from Chennai to Coimbatore by train. He was a diabetic patient. He had the necessity to use the rest room very frequently. During his travel when



he tried to climb down from the upper berth by mistake, he slipped and fell on the lower berth where a woman passenger was sleeping. The plaintiff claimed that this fall had caused him to lose consciousness briefly. He had immediately explained the situation. The learned counsel stated that this explanation was also accepted and understood by the said woman passenger. The matter rested there.

30.However, later, after about 15 days, an FIR came to be registered against the plaintiff. It had been contended that on realizing the actual reasons, the defacto complainant and the plaintiff had entered into a compromise which was recognized by a learned Single Judge of this Court and in Crl.O.P.No.14433 of 2019, the FIR itself was quashed. The learned counsel, therefore stated that the incident had come to a closure. It was then reopened by the defendant owing to the malice he nurtured against the plaintiff.

31.The speech read by the defendant was also pointed out by the learned counsel and it was stated that it was clear that the defendant imputed only the plaintiff and none else. Moreover, at the time of the speech, the defendant also held out a photo of the plaintiff and then another photo, this time of the



plaintiff with the DMK party president. The learned counsel stated that the plaintiff had suffered much loss and reputation and mental agony owing to this speech made by the defendant. It was pointed out that on the date when the said speech was made, the First Information Report had already been stood quashed and therefore, the defendant with that knowledge had still deliberately made the speech with intention to damage the reputation of the plaintiff.

32.The learned counsel pointed out that the plaintiff was holding responsible posts and his image had been lowered in the eyes of his party men, colleagues and friends and more importantly in the eyes of the party president and other senior members. It was stated that the plaintiff was justified in seeking damages against the defendant.

33.The learned counsel for the plaintiff placed reliance on the judgment of the Hon'ble Supreme Court reported in **(1990) 3 SCC 396, M.J.Zakharia Sait V. T.M.Mohammed**. The relevant paragraphs are as follows:

“31. What exactly should be pleaded in an action for defamation has been stated also in Halsbury's Laws of



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England (Vol. 28, 4th edn.). In paragraphs 174, 175, 176, 177 and 178 of the said volume, we have discussion with regard to natural and ordinary meaning of the words complained of, and about the innuendo and the facts and matters supporting innuendo which should be pleaded and proved. It is stated there that in drafting a statement of claim in libel or slander, it is necessary to distinguish between cases in which the words complained of are alleged to be defamatory in their natural and ordinary meaning, whether the literal or the inferential meaning, and those in which the defamatory meaning is a secondary meaning derived from extrinsic or special facts or matters, so that a legal or true innuendo must be pleaded. If it is claimed that the words are defamatory in their natural and ordinary meaning and the words bear only one literal meaning, which is clear and explicit, it is not necessary to plead the meaning in the statement of claim. However, if the words are reasonably capable of bearing more than one literal meaning or if the defamatory meaning relied on is inferential (a “false or popular” innuendo), it is desirable and may even be necessary to plead the defamatory meaning or meanings. Where the plaintiff wishes to claim that the words complained of were understood to be defamatory in a secondary or extended meaning by those persons having knowledge of some special facts or matters, such a meaning constitutes a separate cause of action and the same should be pleaded expressly in a separate paragraph in the statement of claim (emphasis supplied).



Particulars must be given of the facts and matters on which the plaintiff relies in support of any secondary or extended defamatory meaning which it is decided to plead. These special facts or matters may be extrinsic to the words used or there may be some special meaning of the words themselves. The plaintiff should plead that particular words bore the innuendo meaning.

32. In Gatley on Libel and Slander (8th edn.) in paragraph 95, while dealing with “True and False Innuendoes”, it is observed that in distinguishing between the ordinary and natural meaning and the innuendo meaning of words, the substantive law cannot be separated from the requirements of pleadings and the rules of evidence. When the plaintiff wishes to rely on any special facts as giving the words a defamatory or any particular defamatory meaning, he must plead and prove such facts including, where necessary, any special knowledge possessed by those to whom the words are published which gives the words that meaning, and must set out the meaning in his pleading. Where words are not defamatory in their natural and ordinary meaning but are so only by reason of extrinsic circumstances, the plaintiff must plead also those circumstances and the precise defamatory meaning conveyed by them to those persons to whom the words were published. Otherwise, the statement of claim will disclose no cause of action. Such an innuendo is required to be pleaded whenever the plaintiff relies on any extrinsic facts as giving to the words the meaning he alleges. The plaintiff must plead the words,



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the extrinsic facts and knowledge of those facts on the part of one or more of those persons to whom the words were published. He can also give evidence of any facts and circumstances which he has pleaded and which would lead reasonable persons to infer that the words were understood in that meaning provided such facts or circumstances were known to those persons to whom the words were published. The evidence required is the evidence of special facts causing the words to have a meaning revealed to those who knew the special facts.

37. The conspectus of the authorities thus shows that where the defamatory words complained of are not defamatory in the natural or ordinary meaning, or in other words, they are not defamatory per se but are defamatory because of certain special or extrinsic facts which are in the knowledge of particular persons to whom they are addressed, such innuendo meaning has to be pleaded and proved specifically by giving the particulars of the said extrinsic facts. It is immaterial in such cases as to whether the action is for defamation or for corrupt practice in an election matter, for in both cases it is the words complained of together with the extrinsic facts which constitute the cause of action. It is true that Section 123(4) of the Act states that the statement of fact in question must be “reasonably calculated to prejudice the prospects” of the complaining candidate's election. However, unless it is established that the words complained of were capable of being construed as referring to the personal character or



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conduct of the candidate because of some specific extrinsic facts or circumstances which are pleaded and proved, it is not possible to hold that they were reasonably calculated to prejudice his prospects in the elections. For, in the absence of the knowledge of the special facts on the part of the electorate, the words complained of cannot be held to be reasonably calculated to prejudice such prospects. Once, however, it is proved by laying the foundation of facts that the words in question were, by virtue of the knowledge of the special facts, likely to be construed by the electorate as referring to the personal character or conduct of the complaining candidate, it may not further be necessary to prove that in fact the electorate had understood them to be so. That is because all that Section 123(4) requires is that the person publishing the complaining words must have intended and reasonably calculated to affect the prospects of the complaining candidate in the election.”

34.The learned counsel for the plaintiff then placed reliance on the judgment of the Hon'ble Supreme Court reported in **(2014) 10 SCC 473, Anvar P.V Vs. P.K.Basheer and Others**. The relevant paragraphs are as follows:

“15. Under Section 65-B(4) of the Evidence Act, if it is desired to give a statement in any proceedings pertaining to an



electronic record, it is permissible provided the following conditions are satisfied:

(a) There must be a certificate which identifies the electronic record containing the statement;

(b) The certificate must describe the manner in which the electronic record was produced;

(c) The certificate must furnish the particulars of the device involved in the production of that record;

(d) The certificate must deal with the applicable conditions mentioned under Section 65-B(2) of the Evidence Act; and

(e) The certificate must be signed by a person occupying a responsible official position in relation to the operation of the relevant device.

16. *It is further clarified that the person need only to state in the certificate that the same is to the best of his knowledge and belief. Most importantly, such a certificate must accompany the electronic record like computer printout, compact disc (CD), video compact disc (VCD), pen drive, etc., pertaining to which a statement is sought to be given in evidence, when the same is produced in evidence. All these safeguards are taken to ensure the source and authenticity, which are the two hallmarks pertaining to electronic record sought to be used as evidence. Electronic records being more susceptible to tampering,*



alteration, transposition, excision, etc. without such safeguards, the whole trial based on proof of electronic records can lead to travesty of justice.”

35.The learned counsel for the plaintiff also placed reliance on the judgment of the Hon'ble Supreme Court reported in **(1994) Supp (3) SCC 5, Quamarul Islam Vs. S.K.Kanta and Others**. The relevant paragraphs are as follows:

“48. Newspaper reports by themselves are not evidence of the contents thereof. Those reports are only hearsay evidence. These have to be proved and the manner of proving a newspaper report is well settled. Since, in this case, neither the reporter who heard the speech and sent the report was examined nor even his reports produced, the production of the newspaper by the Editor and Publisher, PW 4 by itself cannot amount to proving the contents of the newspaper reports. Newspaper, is at the best secondary evidence of its contents and is not admissible in evidence without proper proof of the contents under the Indian Evidence Act. The learned trial Judge could not treat the newspaper reports as duly ‘proved’ only by the production of the copies of the newspaper. The election petitioner also examined Abrar Razi, PW 5, who was the polling



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agent of the election petitioner and a resident of the locality in support of the correctness of the elereports including advertisements and messages as published in the said newspaper. We have carefully perused his testimony and find that his evidence also falls short of proving the contents of the reports of the alleged speeches or the messages and the advertisements, which appeared in different issues of the newspaper. Since, the maker of the report which formed basis of the publications, did not appear in the court to depose about the facts as perceived by him, the facts contained in the published reports were clearly inadmissible. No evidence was led by the election petitioner to prove the contents of the messages and the advertisements as the original manuscript of the advertisements or the messages was not produced at the trial. No witness came forward to prove the receipt of the manuscript of any of the advertisements or the messages or the publication of the same in accordance with the manuscript. There is no satisfactory and reliable evidence on the record to even establish that the same were actually issued by IUML or MYL, ignoring for the time being, whether or not the appellant had any connection with IUML or MYL or that the same were published by him or with his consent by any other person or published by his election agent or by any other person with the consent of his election agent. The evidence of the election petitioner himself or of PW 4 and PW 5 to prove the contents of the messages and



advertisements in the newspaper in our opinion was wrongly admitted and relied upon as evidence of the contents of the statement contained therein.”

36.The learned counsel for the plaintiff then placed reliance on the judgment reported in **(1965) 2 QB 86, *McCarey V. Associated Newspapers Ltd.*** The relevant portion of the judgment is as follows:

“If I may summarise shortly in my own words what I think is to be derived from that case, it is this: that from henceforth a clear distinction should be drawn between compensatory damages and punitive damages. Compensatory damages, in a case in which they are at large, may include several different kinds of compensation to the injured plaintiff. They may include not only actual pecuniary loss and anticipated pecuniary loss or any social disadvantages which result, or may be thought likely to result, from the wrong which has been done. They may also include the natural injury to his feelings – the natural grief and distress which he may have felt at having been spoken of in defamatory terms, and if there has been any kind of high-handed, oppressive, insulting or contumelious behaviour by the defendant which increases the mental pain and suffering caused by the defamation and may constitute injury to the plaintiff’s



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pride and self-confidence, those are proper elements to be taken into account in a case where the damages are at large.”

37.The learned counsel for the plaintiff further placed reliance on the judgment reported in **(1868) 18 LT 615, Risk Allahbey Vs. Whitehurst**. The relevant portion of the judgment is as follows:

“..... I quite agree that if, by some oversight or want of firmness on the part of the judge or jury, a great criminal escapes, and, by a miscarriage of justice, a scandal is brought on its administration and the criminal is let loose on society, rehabilitated and let loose when he ought to be suffering punishment – in such a case a public writer would be doing no more than his duty in coming forward to remonstrate with the tribunal through whose want of firmness the man has been acquitted. If that is done through that fair and reasonable exercise of judgment which the case demands, no jury ought to visit a public writer with damages because he has fairly and conscientiously discharged a public duty. On the other hand, if you think there has been rashness and recklessness in quarrelling with the verdict of acquittal which has declared the man to be innocent, and especially under a criminal prosecution, your verdict will be based on those considerations.”



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38.Pointing out the dictum laid down in the above judgments, the learned counsel for the plaintiff insisted that the plaintiff had suffered loss of image and reputation owing to the speech made by the defendant, more importantly by holding out the picture of the plaintiff and the plaintiff with the party president. The learned counsel pointed out that this speech was made even though the FIR had been quashed by an order of this Court. It was stated that even though the plaintiff had not been named, by holding the picture, the defendant had made it explicit as to whom he was referring to the speech.

39.The learned counsel stated that the plaintiff enjoyed a good reputation within his party members and friends and this reputation had been damaged in the eyes of his party members, his friends and more importantly also the seniors in his party. The learned counsel therefore stated that the suit should be decreed and the plaintiff must be granted damages as the Court deems fit.

40.Mr.S.Duraisamy, the learned counsel for the defendant, however denied and disputed the contention of the plaintiff. The learned counsel first pointed out that the cause of action for the suit arose at Pollachi where the



defendant was said to have spoken the words which are alleged to be defamatory. The incident which lead to the speech also took place in a train while travelling from Chennai to Coimbatore in the middle of the night, again outside the territorial jurisdiction of this Court. It was therefore contended that no part of cause of action had ever arisen within the jurisdiction of this Court. The residence of the defendant at Chennai was only temporary since he was a Minister at that point of time. But later during the course of trial, he had lost the elections and was not residing within the jurisdiction of this Court. The learned counsel stated that the suit is not maintainable within the jurisdiction of this Court.

41.The learned counsel then pointed out that the speech was made only about a true incident. He also stated that the incident had been reported in newspapers, which are reflected in Exs.D2 and D3 and therefore lakhs of people had read it and came to know about the incident. It was therefore stated that there be the allegation that the speech was defamatory in nature could not be maintained. It was a reiteration of a true incident. The plaintiff was travelling in the train. The plaintiff fell down on the lady passenger in the lower berth. A First Information Report was registered against the plaintiff.



The fact that the First Information Report was quashed would be of no assistance to the plaintiff since it was quashed only because of a compromise effected between the plaintiff and the defacto complainant. A compromise could be effected only when there is an incident in the first place and therefore, the learned counsel stated that the defendant had a right to state the true facts in public and denied that they were defamatory in nature. The learned counsel also pointed out the statement of the lady recorded before the Magistrate which contained true facts.

42. With respect to the actual speech made, the learned counsel pointed that the name of the plaintiff was not mentioned. He stated that it is not evident, as to whom it was addressed. He also stated that some witnesses should have been examined by the plaintiff to state that the speech was actually defamatory in nature. Witnesses must also speak that it was the defendant who made the speech and that the words were actually defamatory. The learned counsel also stated that though the speech was put up in the Youtube channel, the author of the Youtube channel was not examined.

43. The learned counsel also pointed out that no third party had been



examined to speak about the damages to the reputation of the plaintiff. He stated that the plaintiff should have been examined such a witness. The plaintiff must have examined a witness to prove that the defendant had made the speech. He also pointed out that the petition seeking to quash the First Information Report was not filed by the victim. The victim was not added as a party to the proceedings but her husband alone was added as a party to the proceedings. It was therefore insisted that the suit should be dismissed.

44.The learned counsel for the plaintiff in his reply statement pointed out that the defendant had admitted that he made the speech and therefore, no witness was required on that aspect. He stated that the speech contained rash and reckless statements and also an aggravated version of the incident. He stated that it was an attack on personal basis. There were extrinsic materials available and the speech was perse defamatory. The learned counsel pointed out that the photograph Exs.P3 and P4 would show the picture of the plaintiff was exhibited by the defendant. He was, therefore, reiterated that the relief in the suit should be granted by this Court.

45.I have carefully considered the arguments advanced and perused the



materials on record.

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Issue Nos.1 and 2:

46.Both these issues surround the relief of damages as sought in the plaint and more particularly, the quantum of damages as sought namely, Rs.1,00,01,000/- and whether the plaintiff is entitled for such damages.

47.It is the contention of the plaintiff that on 11.03.2019, he was travelling from Chennai to Coimbatore by train. It is claimed by the plaintiff that he was suffering from diabetes mellitus. This statement had been reiterated by him in his proof affidavit. During the said travel, in the midnight, when he tried to get down from the upper berth to go over to the refresh room, he claimed that he slipped and fell on a lady passenger sleeping in the lower berth.

48.The one crucial aspect of the entire incident is the suffering of the plaintiff owing to the illness which he claims he was affected with. That was the first fact which he should prove namely, that he was actually suffering from diabetes mellitus and therefore, there was a necessity for him in the



middle of the night to climb down from upper berth. If he had not been suffering, there would be no necessity for him to climb down from the upper berth. Unfortunately, no document had been produced by the plaintiff to show that he was actually suffering from such illness.

49. At any rate, while climbing down, he had fallen on the lower berth, on a lady who was sleeping in the lower berth. This is normally not possible. If anyone knows the structure of a train compartment when a person climbs down from the upper berth and if he slips, he would fall to the ground and not on the inside of the lower berth. When the plaintiff had retired for the night, he would have known that in that lower berth, a lady was sleeping and therefore, if he is to uphold his reputation, he would have to take additional care to ensure that he does not fall on her for any reason whatsoever. The lady was also pregnant. He could have caused serious harm to her. It would not be possible for anyone to fall down diagonally straight into the lower berth on the top of the lady who is sleeping there.

50. The reason advanced for climbing down in the first place was that he was suffering from diabetes mellitus and there being no proof for the same,



not even a mere prescription, the said reason has to be straight away rejected by this Court.

51.The second fact is that he actually fell down on the lady. That cannot be denied or disputed by the plaintiff, whatever be the reason or whatever be a cause for such fall. Thereafter, the lady pushed him down and he fell on the floor. He was lying there for a full 15 minutes. In the earliest statement of the victim lady, at a time when she would not known whom he was and what post he held or any other detail about him or even his name, she had stated that he smelled mildly of alcohol. When this statement is viewed in its proper perspective and balanced with the reason given that the plaintiff was suffering from diabetes mellitus, even if this statement of the lady is not to be believed by this Court, still the plaintiff had a duty to establish that this statement is wrong and the earlier statement of his that he was suffering from diabetes mellitus is actually correct and true. Therefore, it is imperative that proof is produced for suffering from diabetes mellitus. Even when the plaintiff knew about this particular statement of the victim, he had still not thought it was essential that he should produce a document to show that he was suffering from diabetes mellitus.



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52. During cross-examination, the plaintiff was put the following questions:

Q38:(Ex.P1 is shown to the witness) Is it correct that in Ex.P1 it is stated “I could smell little alcohol on him, as soon as he fell. I just pushed him, he fell down and he was lying on the floor itself for about 15 minutes”?

A: Yes, but the document should be read fully.

Q39: So I put it to you that you were in a drunken mode travelled in the train on that day.

A. I deny.”

53. The statement in Ex.P1 that the lady could smell a little alcohol on the plaintiff was not denied by the plaintiff. But the plaintiff only wanted the document to be read as a whole. He denied that he was fully drunk. Ex.P1 is the statement of the victim lady. It was written in what could be presumed to be her own handwriting. She had stated that she was sleeping in the lower berth and between 1.30 AM and 2.00 AM in the night, “*the man slipped and fell on me was sleeping in the upper berth*” she was very honest in her



statement. She stated that she thought he tripped on her. She gave him the benefit of doubt. But she also stated that she could smell little alcohol on him.

She pushed him. He fell down and was lying on the floor for about 15 minutes. She further stated and I must appreciate that she actually stated “*we decided that it was not done purposefully, it was just happened*”. The statement was made by a lady after due consideration of the nature of allegations she was making. She stated the fact, she also gave her impression that it could be owing to a trip suffered by him and she also stated that he was smelling from alcohol and she finally stated that, she was of the opinion that it was not done purposefully.

54. When this document is presented, the only statement which stares against the plaintiff was the statement that he smelled of alcohol. The imputation in that statement in Ex.P1 was that he fell down because he was under the influence of alcohol.

55. It is the contention of the plaintiff that he got down owing to a need as he was suffering from diabetes mellitus. If that be so, the first proof which he had to discharge was that he was actually suffering from diabetes mellitus.



Non-production of any document in that regard would only drag the Court to hold that he was actually under the influence of alcohol and slipped and fell on the lady.

56. In his cross-examination further revealing facts came out which were not stated in the plaint,

“Q40:(Ex.P5 is shown to the witness) In FIR it is stated that Berth No.17 was occupied by the complainant's wife and Berth No.18 was occupied by the complainant, is it correct?

A:Yes, it is stated in FIR.

Q41:In which berth the complainant and his wife were travelling?

A:I do not know.

Q42:I put it to you that the complainant and his wife, were occupying the side berth whereas you had occupied berth No.14 in the inner berth.

A:Yes.

43:I put it to you that there is no chance that if a person slipped from berth No.14 in the inner berth to fall on the side lower berth No.17.

A.I deny, When I got down from the berth I slipped and fell down and I had become unconscious from sometime.

Q44:It put it to you that you intentionally fell on the woman



passenger sleeping in berth No.17 with bad intention.

A:I deny.

Q45:(Plaint is shown to the witness) In para 8a of your plaint you have stated “he slipped and fell on the lower berth, wherein a woman passenger was sleeping” What you have stated in the plaint that the woman was sleeping in the lower berth is false.

A.I deny.

Q46: I put it to you that the woman passenger was sleeping on the side lower berth only and not to the lower berth, as stated by you.

A:Yes.”

57.The plaintiff had agreed that the lady was occupying berth No.17 which was a side berth and the plaintiff was in berth No.14 which was in the inner berth. Therefore, there was no possibility of him falling down while climbing down from the upper berth but he could have fallen on her only when in standing position. This fact had been admitted by him in the cross-examination as could be seen above. The lady was sleeping on the side lower berth only and not on the lower berth immediately below the upper berth of the plaintiff. Once the plaintiff had not disclosed the correct fact, which fact is essential, then a presumption will have to be drawn that the plaintiff for some



conscious reason had taken a decision to withhold the correct facts from on the purview of this Court.

58.This particular incident had taken place on 11.03.2019. Thereafter, an FIR in Crime No.62 of 2019 was registered on 26.03.2019. Immediately thereafter, on 28.03.2019, the incident was reported in the Daily Dhanthi newspaper dated 28.03.2019. The plaintiff admitted to such publication but claimed that it was a false news. The news item also appeared in the Malai Malar newspaper dated 28.03.2019. He again admitted that the publication was actually made but that the news was a false news. In this regard, the following two questions were put to the plaintiff during cross-examination:

“Q51:It is correct to state that the news items appeared in the Dhina Thanthi and Malai Malar dated 28.03.2019 did not defame you?

A:It is not correct. The said publication of news defamed me.

Q52:Have you taken any action against the above said two newspapers' authorities as they have published a false news?

A: No.”

59.He was specifically asked whether those two news items did not



defame him and he said that the publication of the news items did actually defame me. He was then asked whether he had taken any action against those two newspapers. He admitted that he had not taken any action against those two newspapers. It is also to be noted that in the news item in Daily Thanthi newspaper dated 28.03.2019 his name was also given, but still he had not taken any action against those two newspapers. These were the first publication to the public about this particular incident. There is no reason advanced by the plaintiff as to why he had not taken any action against those two newspapers. He had however, picked the defendant alone and had left out the two said newspapers which had also published the same incident probably in their words, but still had disseminated that information to the general public to the disadvantage of the plaintiff.

60.It is also to be noted that, the plaintiff had stated that in the petition filed by him in Crl.O.P.No.14433 of 2019, which is Ex.D1, that owing to this unfortunate sequence of events resulting in the registration of FIR, he lost an opportunity to contest from the Sulur Parliamentary by-election in the year 2019 and had also been suspended from the primary member of the DMK party. Even this fact was not stated in the plaint but it was extracted from the



plaintiff during his cross-examination. The questions and answers in that regard is as follows:

“Q57:In the petition filed by you in Crl.O.P.No.14433 of 2019 to quash the FIR in Crime No.62 of 2019 you have stated in para 8 because of the unfortunate sequence of events resulting in FIR the petitioner lost his candidature to contest from the Sulur constituency and was also suspended from primary membership of the DMK party. It is correct?

A.Yes. I have stated.

Q58:Is it the copy of the petition filed by you in Crl.O.P.No.14433 of 2019?

A: Yes. The copy of the petition filed by you in Crl.O.P.No.14433 of 2019 is marked as Ex.D1.”

61.The plaintiff had pointed out the specific portion in the speech of the defendant which according to him had defamed him. This was extracted in the plaint. He had given both the Tamil and English version. They are extracted again below:

“அந்த மாதிரி, இதே மாதிரி... திமுகல அந்த இரயிலில் வந்து பாலியல் தொல்லை பண்ணுன... இதோ மு.க.ஸ்டாலின் இதுதான்... என்னோட போட்டோவ



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கனிமொழி காமிச்சிங்கல... இதுக்கென்ன பதிலு? உங்கண்ணன், உங்கண்ணந்தான் ஒட்டி நிக்ருறாரு... நீங்க ஒரு பெண்ணா இருந்து கண்டிச்சிங்களா .:பர்ஸ்டு... அதே போல...”

“Like, Like wise in DMK, while traveling on a train, he has sexually harassed someone... here, This is M.K.Stalin... Kanimozhi, you have showed my picture.... What is the answer? Your brother, your bother is closely standing.... Firstly, as a woman would you condemn this? lik this...”

62.During his cross-examination, the learned counsel for the defendant put questions relating to each sentence and each word of that extract. The cross-examination was as follows:

“Q60:Whether the word “அந்த மாதிரி ” “Like wise” defame your reputation?

A:Yes. Witness adds: The defamatory statement should be read as a whole.

Q61:What is the meaning you understood of the word “அந்த மாதிரி ” “Like wise”?

A:It has to be taken the context of the entire speech found in Ex.P3 CD.



Q62:Have you filed the present case based on the CD or only the para 5 and 6 of the plaint?

A:On the basis of CD speech I have filed the suit.

Q63:The contents of CD is not stated in the plaint, is it correct?

A:Yes, not stated in detail in the plaint, but we have filed Ex.P3 CD.

Q64:In para 5 of your plaint, which portion has defamed you?

A:Entire contents of para 5 is defamed me.

Q65:Whether the words “இதோ மு.க.ஸ்டாலின் இதுதான்” is defamed you?

A:The total contents of para 5 is defamed me.

Q66:My specific question is that whether the word “இதோ மு.க.ஸ்டாலின் இதுதான்” is defamed you?

A:Yes.

Q67: So if anybody say this is M.K.Stalin it is the defamatory statement, is it correct?

A:No.

Q68:So if anybody say this is Kanimozhi it is the defamatory statement, is it correct?

A:No.

Q69:Then which portion of para 5 of your plaint has defamed you?

A:Both the act of showing the photo of M.K.Stalin and



me, along with the defamatory speech has defamed me.

Q70:In para 5 of your plaint, no where your name Rajendran is found, is it correct?

A:No. But the defamatory speech found in Ex.P3 CD and the act of showing the photo of M.K.Stalin along with my photo is defamatory.”

63.The learned counsel for the plaintiff in his arguments stated that the defendant had not only uttered the words which are sought to be defamatory, but had also pointed out the photographs in Ex.P4. Ex.P4 shows the defendant holding out two separate photographs, probably at the time when he addressed the gathering. The first photograph is stated to contain the picture of the plaintiff. The second photograph is stated to contain the picture of the plaintiff and also the president of DMK party. Pointing this exhibit, the learned counsel for the plaintiff stated that it is therefore obvious that the words uttered by the defendant meant only the plaintiff and the plaintiff alone. Moreover, there was aggravated defamation since the second photograph not only contained the photograph of the plaintiff but also the photograph of the president of DMK party. It is therefore contended by the learned counsel for the plaintiff that the words spoken and the picture exhibited should be examined side by side and



cannot be separated from the other and if the speech is then so read, the words uttered by the defendant have to be categorised as being not only reckless and defamatory but also as an aggravated form of defamation as unnecessarily the photograph of the plaintiff with the president of DMK was also exhibited. But the plaintiff himself in the cross-examination extracted above had give two contradictory answers. Question Nos.66 and 67 are extracted again below:

Q66:My specific question is that whether the word “இதோ மு.க.ஸ்டாலின் இதுதான்” is defamed you?

A:Yes.

Q67: So if anybody say this is M.K.Stalin it is the defamatory statement, is it correct?

A:No.

64.The reading of the two answers would reveal that the plaintiff in the answer to the first question extracted above had stated that the words actually defamed him, but admitted that if anybody stated the same statement it was not defamatory. The plaintiff seems to oscillate in his stand.



65.Placing reliance on the judgement reported in **(1990) 3 SCC 396**,

M.J.Zakharia Sait Vs. T.M.Mohammed, the learned counsel for the plaintiff stated that it is not required that the individual should be named in a speech which is alleged to be defamatory nature. In that particular case, a wall poster was affixed directly alleging that a candidate was the murderer. The Hon'ble Supreme Court held that it must be proved that such wall poster was posted prior to the election by the workers of the returned candidate with his knowledge and consent.

66.The learned counsel for the plaintiff had placed specific reference to paragraph No.37. The learned counsel placed reliance on the observation that the words may not be defamatory in their normal sense, but becomes defamatory owing to extrinsic facts and in this connection, pointed out that Ex.P4 photograph is an extrinsic facts and when viewed in conjunction with the word uttered they would make the words defamatory in nature.

67.In the instant case, if that be the stand of the plaintiff, then he should have also examined further witnesses to hold that they heard the speech and viewed the photograph shown at the same time by the defendant and they



formed an opinion by linking the words and the photograph and in their opinion the image and reputation of the plaintiff suffered. No such evidence has been produced by the plaintiff except his own self serving statement. Even if a concession is to be given that no witness need be examined to hold that the defendant actually spoke the words since the defendant had not denied the same, it still an independent witness should have been examined to express opinion that the said words along with the photograph had actually lowered the image of the plaintiff in the view of that witness atleast.

68.It is not known why the plaintiff had thought it was not requisite to examine such witness. This non-examination of witness must be read in conjunction with the plaintiff not taking any action against the two newspapers which had published the new items and in one of them his name was also mentioned. Once the news item had been published, the incident becomes a fact and when only a fact is spoken about, that could be a reasonable defence for an action alleging defamation. Therefore, there should be a witness to state that the words spoken by the defendant were defamatory in nature and that the words spoken in conjunction with the photographs made it obvious that the defamation was aimed only at the plaintiff and that the words were actually



defamatory in nature and they were actually spoken by the defendant.

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69. On the side of the defendant, an argument was put forth that the defendant was only commenting on a newspaper item already published and the news was already available to the general public much prior to the speech of the defendant. The incident had already been widely exposed and published as a news item at least two separate newspapers which have reasonably good circulation. When the plaintiff had not taken any action against those newspapers, it defies logic to hold that he could maintain an action only against the person who comments what had already been published by the newspapers.

70. Moreover, the plaintiff did not hear the speech directly. It was only informed to him that the defendant had made such speech. He had not examined the person who informed him about that speech. The questions and answers in that regard are as follows:

“Q19: When did you go to attend the Pollachi meeting?

A: I did not go to Pollachi to attend the meeting.

Q20: I put it to you that you did not hear the speech of

S.P. Velumani.



A:Yes, I did not hear his speech.

Q21:So, I put it to you that you do not have direct knowledge about the speech of S.P.Velumani.

A:Yes. I do not have direct knowledge about the speech of S.P.Velumani.

Q22:I put it to you that without knowing anything about the speech of S.P.Velumani in the public meeting you have filed the present suit.

A:I deny.

Q23:Is it correct to state that after seeing the Ex.P4 screen shot you came to know that S.P.Velumani spoke at Pollachi in a public meeting?

A:My relative and friends and District Secretary of our DMK party contacted me through phone at the time of meeting itself and told about the same.

Q24:You have not stated the above facts and the persons name who told to you either in your plaint or in your proof affidavit, is it correct?

A:Yes, correct.”

71.It is thus seen that the plaintiff did not go to Pollachi to attend the meeting where the defendant had addressed the gathering, that he did not hear the speech and he admitted that he had no direct knowledge about the speech



of the defendant. He further stated that his relative and friends and District Secretary of the DMK party contacted him through phone at the time of the meeting and told him about the same.

72. These admissions point out that the plaintiff had no direct knowledge and was not present when the speech was made. He was only informed about the speech by his relative, friends and the District Secretary of the DMK party. Their names have not been disclosed in the plaint. Their names have not been disclosed in the proof affidavit. He had also not thought it requisite that he should examine anyone of them as a witness. It is they who were of the opinion that the speech defamed the plaintiff. They are significant witnesses. They should have been named by the plaintiff. They should have been examined by the plaintiff. Having failed to do so, the plaintiff cannot seek any relief against the defendant.

73. The learned counsel for the plaintiff had placed reliance on the judgment of the Hon'ble Supreme Court reported in **1994 (3) SCC SUPP 5, Qumaraul Islam Vs. S.K.Kanta and Ors**, on the ground that the newspaper reports are not evidence and are only hearsay evidence. When the plaintiff



questioned the veracity of the newspaper reports as being only hearsay evidence, his own statement about the defendant is also hearsay evidence and there cannot be creditability attached to his statement and not to the report of the newspapers. If one is to fall, both have to fall.

74.The learned counsel for the plaintiff placed reliance on the judgment reported in *(1965) 2 QB 86, McCarey Vs. Associated Newspapers Ltd.* This was about the compensatory and punitive damages and stepped into the realm of grant or otherwise of the damages.

75.It will have to be first examined whether the plaintiff is entitled for any damages. A summary of the reasons stated above shows that the plaintiff had not disclosed that the lady was sleeping in the side berth and that he was actually in the inner berth and therefore, could not have fallen on her when climbing down from the upper berth. The plaintiff had not taken any action against newspapers which had published about the registration of the First Information Report against him. The plaintiff had not attended the meeting and had no direct knowledge of either the speech made or the photographs exhibited. All are hearsay evidence.



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76.The plaintiff had not examined any individual to speak about the fact that the defendant spoke disparagingly about the plaintiff. The plaintiff did not examine any witness to show that his reputation was lowered and therefore, he had a cause to seek damages against the defendant.

77.In the extract in the plaint, the name of the plaintiff is not mentioned by the defendant and even though the plaintiff stated that the entire speech should be heard as a whole, the fact is that he had also not heard them directly.

78.The suit was instituted within the jurisdiction of this Court only taking advantage of a temporary address of the defendant at the time of institution of the suit. Even pending the suit, the defendant had lost the elections, lost his post, lost his position as Member of the Legislative Assembly and commenced to permanently reside in his native place. The speech was made at Pollachi. It was about an incident which happened in the middle of the night in a train travelling from Chennai to Coimbatore, outside the jurisdiction of this Court. This Court has no jurisdiction at all to entertain the plaint. Even if this might be only an ancillary reason, still, the plaintiff had



not established either loss to reputation by examining any third party. He had not established direct knowledge about the speech by examining his relative, friends or the District Secretary of the DMK party. He had not disclosed the correctness about the nature of the seating positioning in the compartment in the train. I hold that the plaintiff is not entitled for any damages, much less damage of Rs.1,00,01,000/-. The issue Nos.1 and 2 are answered against the plaintiff.

Issue No.3:

79.The issue relate to whether the plaintiff is entitled for permanent injunction as sought in the plaint. Issue Nos.1 and 2 had been answered against the plaintiff. But, however, it has to be held that the defendant has to be restrained from raising the unfortunate issue again in public. The plaintiff's privacy is paramount and therefore, though it had been held that the plaintiff is not entitled for damages, his privacy should be protected and therefore, in order to douse the flame, I would grant an order of permanent injunction against the defendant from restraining him from referring to the issue in public again. This does not mean that the defendant can never question any of the plaintiff's acts. As a person leading public life, he has a right to speak out on



every other issue, but not on the issue which is the subject matter of this suit.

To that extent alone, permanent injunction is granted.

Issue No.4:

80.This issue is whether the plaintiff is entitled for costs of the suit. Since issue Nos.1, 2 and 3 had been answered against the plaintiff, this issue is also answered against the plaintiff. It is held that the plaintiff is not entitled for costs of the suit.

Issue No.5:

81.The plaintiff is not entitled for any relief as sought by him. As a matter of fact, the Court has no jurisdiction to examine the issues raised in the plaint. The plaintiff had taken advantage of a temporary address of the defendant. It could be equally stated that the plaintiff had filed the suit seeking a convenient jurisdiction, when the Court at Pollachi or Coimbatore depending on pecuniary claims would be the competent Courts having jurisdiction.

82.In the result, the suit is partly allowed only with respect to grant of permanent injunction as qualified in paragraph No.79 of this judgment and



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dismissed with costs with respect to all other reliefs. Consequently, connected

Original Application stands closed.

smv

09.08.2024

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order : Yes/No

Plaintiff's side Witnesses:

P.W.1 – Mr.A.Rajendran

Defendant's side Witnesses:

D.W.1 – Mr.S.P.Velumani



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Documents:

Ex.P.1	05.04.2019	Certified copy of the deposition of the complainant's wife before the Judicial Magistrate, Additional Mahila Court Salem.
Ex.P.2	14.06.2019	Certified copy of the order of this Court in Crl.O.P.No.14433 of 2019 and Crl.M.P.No.7023 of 2019
Ex.P.3		Compact disc with true copy of transcripts CD containing speech of the defendant dated 11.01.2021 at Pollachi along with certificate under Section 65B of Indian Evidence Act, 1872 (marked with subject to objection)
Ex.P.4		Printout of the screen shot of the defendant while making the defamatory speech with certificate under Section 65B of Indian Evidence Act, 1872 (marked with subject to objection)
Ex.P.5	26.03.2019	Certified copy of the FIR in Crime No.62 of 2019
Ex.D.1		The copy of the petition filed in Crl.O.P.No.14433 of 2019 (through PW-1 cross)
Ex.D.2	28.03.2019	Copy of the Malaimalar newspaper
Ex.D.3	28.03.2019	Copy of the Daily Thanthi newspaper

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C.V.KARTHIKEYAN, J.
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Pre-Delivery Judgment made
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