



WEB COPY



C.R.P. (PD) Nos.1891 & 1893 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Civil Revision Petition (PD) Nos.1891 and 1893 of 2022
and CMP Nos.9655 and 9659 of 2022

Dr.P.S.Selvaraj

.. Petitioner in both the petitions

Vs.

1. Mr.N.Venkatathri

... 1st Respondent in CRP 1891/22
& 2nd Respondent in CRP 1893/22

2. Mrs.Anitha

... 2nd Respondent in CRP 1891/22
& 1st Respondent in CRP 1893/22

3. Mrs.Krithika

... 3rd Respondent in both the petitions

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the order and decretal order made in (i)I.A.No.3 of 2021 in O.S.No.139 of 2020 (ii) I.A.No.4 of 2021 in O.S.No.139 of 2020 respectively dated 31.01.2022 on the file of the Principal District Judge Krishnagiri.



WEB COPY



C.R.P. (PD) Nos.1891 & 1893 of 2022

For Petitioner : Mr.V.Chandrababhu
(in both the petitions)

For Respondents : Mr. S.Manuraj
(in both the petitions)

COMMON ORDER

The Revision is directed against an order of the Trial Court rejecting the plaint as against the second and third defendants in OS No.139 of 2020. By a common order dated 31.01.2022, the learned Trial Judge had allowed the applications in IA Nos.3 and 4 of 2021 filed by the second and the third defendants in the said suit seeking rejection of the plaint, insofar as the second and third defendants are concerned.

2. The suit is one for damages for defamation. The plaintiff has alleged that the first defendant who is the daughter of the second and third defendants had been making various defamatory allegations against him, since his wife Dr.Thara Selvaraj rejected the request of the first defendant to



C.R.P. (PD) Nos.1891 & 1893 of 2022

WEB COPY

release her 1/3rd share in the property belonging to her father situate at Thoraipakkam, Old Mahabalipuram, Chennai. Infuriated by that rejection, the first defendant started behaving in a very canning manner and accused the plaintiff of having abused her by touching her inappropriate places when she was at the age of 6, when she was aged about 7 to 8 years in the year 1994, 8 years in the year 1995, 9 years in the year 1996, 10 and 11 years in the year 1996 and 1997; and 19 years in the year 2006. She also started posting messages in the whatsapp groups to the relatives as well as the son of the plaintiff. The entire suit revolves around the alleged misuse of social media by the first defendant to tarnish the image of the plaintiff.

3. A reading of the plaint shows that messages have also been sent to the son and daughter of the plaintiff abusing the plaintiff and calling him a child sex abuser. A reading of the plaint shows that there has been a very abnormal behavior by the first defendant with a sole view to tarnish the image of the plaintiff. Allegations have been made against defendants 2 and 3 to the effect that despite the fact that second defendant, who is the father of the first defendant, has not chosen to advise her and it is also stated in the

3/7



C.R.P. (PD) Nos.1891 & 1893 of 2022

WEB COPY

plaint that the second defendant also claimed that they will not stop till the plaintiff's image is completely tarnished amongst the relatives and friends.

4. It is also alleged that defendants 2 and 3 are in active collusion with the first defendant and there has been a conspiracy between them to target the family of the plaintiff in order to wreck vengeance, by raising false and wild and baseless allegations. It is also claimed that it is with a hidden agenda of achieving their goal to make the plaintiff and his wife to release the share of the wife of the plaintiff in the property of the father.

5. The learned Trial Judge has concluded that there are no allegations against defendants 2 and 3 and the plaint does not disclose a cause of action against defendants 2 and 3. I should point out that the learned Trial Judge has broken the plaint into parts and have read only certain parts of the plaint. The plaint read as a whole shows that there are enough allegations to demonstrate cause of action against defendants 2 and 3 also. Particularly paragraph 12 of the plaint refers to the attitude of defendants 2 and 3, wherein it is stated that the defendants 2 and 3 have conspired together to



C.R.P. (PD) Nos.1891 & 1893 of 2022

WEB COPY

attack the plaintiff and his family through the medium of the first defendant.

6. These allegations have been evidently over looked by the learned Judge, when the learned Judge concluded that there is no cause of action pleaded against defendants 2 and 3. Cause of action is after all a bundle of facts, if a *prima facie* case is disclosed, it is always open to the plaintiff to demonstrate the facts by letting in appropriate evidence. Rejection of a plaint at the initial stage is an extreme remedy which cannot be resorted to for the mere asking. I am convinced that the allegations in paragraph 12 of the plaint which specifically point to defendants 2 and 3 are sufficient enough to conclude that there is a semblance of cause of action at least against defendants 2 and 3.

7. I am therefore, convinced with the order of the Trial Court rejecting the plaint against defendants 2 and 3 is irregular and needs interference. The Civil Revision Petitions are accordingly **allowed**, the common order of the Trial Court is set aside, the suit will proceed against all the three defendants. There shall be no order as to costs. Consequently, the connected



C.R.P. (PD) Nos.1891 & 1893 of 2022

miscellaneous petitions are closed.

WEB COPY

23.01.2024

jv

Index: No

Internet: Yes

Speaking order

Neutral Citation: No

To

The Principal District Judge,
Krishnagiri.



WEB COPY



C.R.P. (PD) Nos.1891 & 1893 of 2022

R.SUBRAMANIAN

jv

Civil Revision Petition (PD) Nos.1891 and 1893 of 2022
and CMP Nos.9655 and 9659 of 2022

23.01.2024