



C.R.P.No.2444 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.2444 of 2024
and CMP.No.12790 of 2024

VP Duraiswamy

... Petitioner

Vs

U.Sagayam

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the judgment and decree dated 13.02.2024 in I.A.No.2 of 2023 in O.S.No.3856 of 2021 on the file of the learned XVI Additional City Civil Court and dispose of the same on merits or pass some other order(s) as this Court may deem fit and proper in the interest of justice.

For Petitioner : Mr.Anil Relwani

ORDER

This civil revision petition arises against the order of the learned XVI Additional City Civil Court at Chennai in I.A.No.2 of 2023 in O.S.No.3856



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of 2021 dated 13.02.2024. The defendant is the civil revision petitioner.

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2. The plaintiff is a member of the Indian Administrative Service. In the plaint, he would set out in detail the various activities that he had performed as an I.A.S. officer and as an Officer of Group-I services in Tamil Nadu. According to him, the defendant who was the then MLA of Sangagiri District and also the then Deputy Speaker of the Tamil Nadu Legislative Assembly, had made some defamatory statements against the plaintiff. According to him, when the plaintiff took strict action against the power brokers, the defendant wrote a complaint to the then Hon'ble Chief Minister and Deputy Chief Minister as against the plaintiff.

3. The cause of action for the suit is that in an interview to a Tamil biweekly magazine 'Nakkeeran' on October 20, 2022, the defendant had made some imputations against the plaintiff alleging that the plaintiff had employed 14 power brokers and was paralysing the administration. It is also the contention of the plaintiff that the defendant had made an alleged statement that the Tahsildars and Village Administrative Officers are agitating against the plaintiff only on account of the fact that the plaintiff



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was supporting 14 power brokers. As a law abiding and dutiful citizen of the nation, the plaintiff felt defamed by the publication in Nakkeerran magazine. Hence, he presented C.S.No.776 of 2011 before this Court involving its Ordinary Original jurisdiction.

4. Due to the enhancement of pecuniary jurisdiction, C.S.No.776 of 2011 stood transferred to the file of City Civil Court, Chennai and was renumbered as O.S.No.3856 of 2021. In this suit, an application was taken out by the defendant in I.A.No.2 of 2023 for rejection of plaint on the ground that there is no cause of action in the suit. In support of his contention, the defendant relied upon paragraph No.34 of the plaint to state that as there is no specific mention about the defamatory statements therein, there is no cause of action. Hence, the plaint deserves rejection.

5. After receipt of counter from the respondent/plaintiff in the said application, the learned trial Judge proceeded to dismiss the application in I.A.No.2 of 2023, against which the present revision,

6. The cause of action is a bundle of facts which has to be culled out



from the reading of the entire plaint. A separate paragraph for cause of action is only unnecessary, if one were to adhere to the provisions of the Code of Civil Procedure. It is for the sake of convenience, a counsel drafts a separate paragraph for cause of action but nowhere in the Code of Civil Procedure or the Forms annexed thereto does it contemplate such a paragraph.

7. With respect to rejection of plaint, the Court has to presume the averments made in the plaint are true. Thereafter, the Court has to look at the plaint to find out if it discloses cause of action. Reading of the plaint discloses that the plaintiff has clearly and categorically stated that the defendant had alleged that the plaintiff was supporting 14 power brokers, and thereby paralysing the administration. An honest officer would no doubt certainly feel aggrieved and defamed if such a publication has been made.

8. My reading of the plaint and evidence filed therewith discloses a cause of action for defamation and if taken to be true, damages for defamation is certainly made out against the defendant. In other words, the suit for damages has its cause of action. Therefore, the I.A.No.2 of 2023



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filed by the defendant for rejection of plaint on the ground that the suit does not have cause of action cannot be accepted.

9. Hence, I am of the view that this revision lacks merits and the order of learned XVI Additional City Civil Court in I.A.No.2 of 2023 in O.S.No.3856 of 2021, dated 13.02.2024 stands confirmed. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2024

Index:Yes/No
Neutral Citation : Yes / No
Speaking order / Non-speaking order
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To:

1.The Judge
District Court
Nagapattinam.

2.The Section Officer
VR Section
High Court, Chennai.



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V.LAKSHMINARAYANAN,J.

ds

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