



C.R.P.(MD)No.1303 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1303 of 2024

and

C.M.P.(MD)No.7501 of 2024

1.Ravi Narayanan

2.Raja Narayanan

... Petitioners / Petitioners/ Defendants

Vs.

M.Venkadeshnarayanan

... Respondent / Respondent / Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order in I.A.No.27 of 2023 in O.S.No. 39 of 2020 dated 14.12.2023 on the file of the III Additional District Court, Thanjavur @ Pattukottai.

For Petitioners : Mr.N.Balakrishnan

For Respondent : Mr.B.Anandan

ORDER

Heard both sides.



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2. The revision petitioners are figuring as defendants in O.S.No.39 of 2020 on the file of the third Additional District Judge, Thanjavur, Pattukkottai. The respondent herein filed the said suit claiming damages on the ground that the defendants defamed him. The defendants filed I.A.No.27 of 2023 for rejection of the plaint. The court below dismissed IA vide order dated 14.12.2023. Challenging the same, this civil revision petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds of the civil revision petition. Relying on the decision reported in **2023 (3) MWN (Civil) 782 (K.R.Andu Gowder Vs. Saroja)**, the learned counsel contended that an application for rejection of the plaint can be filed at any stage. He called upon this Court to set aside the impugned order and allow the civil revision petition.

4. Per contra, the learned counsel appearing for the plaintiff / respondent submitted that the impugned order is well reasoned and that it does not call for interference.

5. I carefully considered the rival contentions. The plaintiff is a practicing lawyer. The defendants are his nephews. The plaintiff has alleged



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that the defendants have circulated a pamphlet labelling the plaintiff as a bogus lawyer practicing without proper legal qualification.

6. The defendants in the written statement have categorically asserted that they have not circulated the offending pamphlet and that there is no cause of action for filing the suit. The question that calls for consideration is whether there is a cause of action for filing the suit. It is seen that the defendants have earlier questioned the credentials of the plaintiff and even lodged a complaint before the Bar council of Tamil Nadu. The Bar Council of Tamil Nadu closed the complaint with a warning to the defendants herein. The bar council has recorded that the plaintiff is a duly qualified legal practitioner. The question whether the defendants circulated the offending pamphlet is purely a factual issue. The plaintiff asserts that they did so. The defendants deny having done so. The learned counsel for the revision petitioners would even point out that the numbers set out in the offending pamphlet are not that of the defendants. This factual dispute cannot be adjudicated in an enquiry under Order 7 Rule 11 of C.P.C. In the plaint, the plaintiff averred that the defendants have only circulated the pamphlet. At this stage, the Court has to go only by the plaint averments. This Court cannot consider the possible defences which the defendants may have.



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G.R.SWAMINATHAN, J.

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7. In this view of the matter, the impugned order does not warrant interference. The civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.10.2024

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

The III Additional District Court, Thanjavur @ Pattukottai.

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