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CRP No. 1400 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 1400 of 2024

and

C.M.P.No.7503 of 2024

1.C.Pravesh Kumar
S/o.Chhote Lal,
Police Quarters,
Race Course Road,
Coimbatore 641 018.

2. Abharani
W/o.C.Pravesh Kumar,
Race Course Road,
Coimbatore 641 018.

Petitioner(s)

Vs

1. A.S.Mani
Editor, Owner, Publisher and Printer,
“Naveena Nertikkan”,
91 Vaikuntapuram 1st Street,
Nungambakkam, Chennai 600 034.

2.Mareeswaran
Reporter “Naveena Nertikkan”,
No.40, Rangammal Koil Street,
Peelamedu, Coimbatore 641 004.



Respondent(s)

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 14.02.2024 made in IA No.2/2023 in OS No.3681/2021 on the file of the XXI Additional City Civil Court, Chennai, and allow the above CRP.

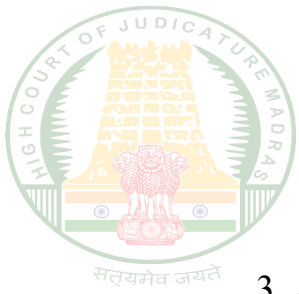
For Petitioners : Ms.Madhura

For Respondent(s): M/s.P.M.Duraiswamy For R1
M/s.CKM. Appaji for R2

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 14.02.2024 made in IA No.2/2023 in OS No.3681/2021 on the file of the XXI Additional City Civil Court, Chennai, and allow the above CRP.

2. The plaintiffs are the revision petitioners. In a suit for defamation, after examining PW1 and PW2, the learned counsel for the plaintiffs had reported that the plaintiffs does not have any further evidence, and on the basis of the endorsement made by the learned counsel for the plaintiffs, the evidence of the plaintiffs was closed and the suit was posted for defendants evidence.



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3. At that stage, the application was taken out to re-open the evidence of the plaintiffs, in order to examine the Head Constable (L & O) at Coimbatore as PW3. The said application under Order 18 Rule 17 of CPC was strongly resisted by the respondents/defendants, stating that the affidavit filed in support of the application to reopen the evidence was vague and absolutely no reasons have been set out as to why the said witness is required to be examined. The trial Court has accepted the rejection of the respondents/defendants and proceeded to dismiss the application. Aggrieved by the said dismissal of Interlocutory Application viz., I.A.No.2 of 2023, the present Revision Petition has been filed by the plaintiffs.

4. Heard both sides and perused the materials available on record.

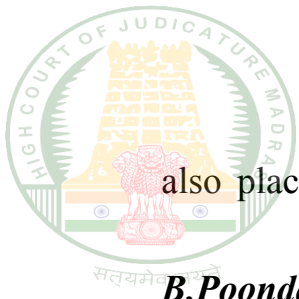
5. The learned counsel for the petitioners would state that the learned counsel who appeared before the trial Court, without getting instructions from the plaintiffs had reported there is no further evidence and based on the



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endorsement, the trial Court has closed the evidence. However, he states that even in the plaint, the plaintiffs have disclosed that the defamatory publication was brought to the notice only through his subordinates and friends. Even in the proof affidavit filed by the PW1, the said averments made in the plaint is reiterated in paragraph 14. He would further submit that merely because the affidavit has not disclosed the reasons as to why the witness is sought to be examined, an opportunity should not be denied to the plaintiffs, especially, the suit being one for defamation.

6. Per contra, Mr.P.M.Duraisamy, the learned counsel for the first respondent would state that firstly, the learned counsel appeared before the trial Court made an endorsement and it is not open to the plaintiffs to seek to re-open the evidence and secondly, even in the affidavit seeking to reopen the evidence, there is no mention as to why the witness is sought to be examined. He would also point out that there is no reference to PW3 anywhere in the plaint, thereby depriving an opportunity to the defendants to meet the averments/allegations, which are made revolving around the said witness, PW3. The learned counsel



also placed reliance of the Hon'ble Supreme Court in the case of **Kokkanda**

B.Poondacha and others Vs. K.D.Ganapathi and another, reported in AIR

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2011 Supreme Court 1353, wherein the Hon'ble Supreme Court held that, it would be a prudent exercise of discretion by the Court to insist on the parties filing the list of witnesses, briefly indicating the purpose of summoning the particular person as a witness. Hence, he prayed for dismissal of the present Civil Revision petition.

7. Admittedly, the suit is one for defamation as against the publisher, editor as well as the reporter of the magazine, alleging that certain scandalous information has been published against the plaintiffs. No doubt, the plaintiffs have examined two witnesses on their side. According to the plaintiffs, they intended to examine one more witness, however, the learned counsel for the plaintiffs had reported that the plaintiffs have no further evidence. In normal circumstance, the objections of the respondents would have to be accepted. However, considering the fact that the suit is one for defamation and the evidence of the defendants' side is also yet to commence, in the interest of



substantial justice, and in order to provide a platform to the parties to lead full fledged evidence before the trial Court, being the Court of first instance, I am inclined to give an opportunity to the petitioners to examine PW3, leaving it open to the defendants to raise all objections before the trial Court. The examination of PW3, chief and cross shall be completed by 31.07.2025 and the Suit in O.S.No.3681 of 2021 on the file of the XXI Additional City Civil Court, Chennai, shall be disposed of on or before 31.10.2025.

8. With the aforesaid terms, this Civil Revision Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

19-06-2025

jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The XXI Additional City Civil Court, Chennai.



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