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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

A No. 2758 of 2025

in

C.S.No.418 of 2012

1. A. Abdul Rahman

Applicant(s)

Vs.

M.Miyakani (Deceased)

1.S.Nasarullah

2.M.A.Peer Mohammed

3.S.Habib Raja

4.M.Abdul Kapoor

5.M.S.Thameem Ansari

6.K.Jaffer Sait

7.P.Syed Junaid

8.A.Abdul Rahman

9.Amjath Beevi

10.Azath

11.Iqbal Mansoor

Respondent(s)

PRAYER:

This petition is filed seeking to struck out the Defendants 10 to 12 from the plaint who are all the legal representatives of the 1st Defendant M.Miyakani viz., 1. Mrs.Amjath Beevi 2. Azath 3. Iqbal Mansoor, as Defendants 10th to 12th respectively in the above suit in C.S.No.418 of 2012.



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For Applicant(s): Mr.G.RM. Palaniappan

For Respondents: No appearance

ORDER

The suit had been filed seeking a direction against the 1st to 9th defendants to pay damages for the alleged defamatory allegations made by them against the plaintiff and for permanent injunction restraining them from raising any further allegations. The 1st defendant had died pending the suit. Consequent to filing of A.No.5291 of 2023 his legal representatives were brought on record as 10th, 11th and 12th defendants.

2.By this application, the plaintiff seeks to strike them off as parties to the suit. The learned counsel states that any relief seeking compensation for alleged defamatory allegations made is a right in personam and cannot be exercised against the legal representatives. The right to claim damages remains with the person who is alleged to have said the defamatory statements and extinguishes on his death. It is not a liability which could be fastened on to the legal representatives.



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3.A perusal of the record show that it was the plaintiff who had earlier filed A.No.5291 of 2023 seeking to bring them on record. But they are neither necessary nor proper parties to the suit. This application stands allowed.

4.The learned counsel for the plaintiff to carry out necessary amendment striking off the 10th, 11th and 12th defendants from the array of defendants.

23-06-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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5

A No. 2758 of 2025



C.V.KARTHIKEYAN J.

smv

A No. 2758 of 2025
in C.S.No.418 of 2012

23-06-2025