



O.A. No.473 of 2025

in

C.S. No.102 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O. A. No.473 of 2025

in

C.S. No.102 of 2025

DR.Hisamuddin Papa Saheb
Founder - Chairman and Managing Director,
Huma Specialities Hospital and
Research Centre Pvt.Ltd,
Residing at 786, Anna Salai, Nandanam,
Chennai-600035

Applicant(s)

Vs

Muhhammad Mujubeer Rahman and another
7/2 Puram Prakasa Road, Royapettah,
Chennai-6000014 and another

Respondents

PRAYER: The application has been filed under Order XIV, Rule 8 of the
Original Side Rules read with Order XXXIX Rule 1 and Section 151 of Civil
Procedure Code praying to grant an interim injunction restraining the 1st
respondent / defendant, his men, agent, servants or persons acting through or
Page No.1 of 29



O.A. No.473 of 2025

in

C.S. No.102 of 2025

under him or on his behalf from in any way speaking, writing, forwarding, broadcasting, transmitting, publishing, sharing, uploading, issuing defamatory communication in the letterhead of "NAWAB FAZEELATHUNNISA BEGUM SAHEBA MOSQUE & ENDOWMENT (WAQF) GS/59" etc., or in any way communicating to the public the defamatory allegations against the Plaintiff..

For applicant : M/s.Vigneshwar Elango

For Respondents : Mr. N.A. Nissar Ahamed,
Senior Counsel
for M/s. I. Kowser Nissar

ORDER

The Original Application has been filed to grant an interim injunction restraining the 1st respondent / defendant, his men, agent, servants or persons acting through or under him or on his behalf from in any way speaking, writing, forwarding, broadcasting, transmitting, publishing, sharing, uploading, issuing defamatory communication in the letterhead of "NAWAB



O.A. No.473 of 2025

in

C.S. No.102 of 2025

FAZEELATHUNNISA BEGUM SAHEBA MOSQUE & ENDOWMENT

(WAQF) GS/59" etc., or in any way communicating to the public the defamatory allegations against the Plaintiff.

2. According to the applicant, he is the Plaintiff in the main Suit and the Suit has been filed for directing the 1st respondent to make payment of a sum of Rs.1,01,00,000/- towards damages caused to the Plaintiff by circulating the communication in the nature of publication dated 09.11.2024 to several official authorities, for permanent injunction restraining the 1st respondent, his men, agent, servants or persons acting through or under him or on his behalf from in any way speaking, writing, forwarding, broadcasting, transmitting, publishing, sharing, uploading, issuing defamatory communication in the letter head of "Nawab Fazeelathunnisa Begum Saheba Mosque & Endowment (WAQF) GS/59" or in any way communicating to the public the defamatory allegations against the Plaintiff and for the cost of the

Page No.3 of 29



O.A. No.473 of 2025
in
C.S. No.102 of 2025

Suit.

2.1. The applicant is a renowned Doctor and the Founder-Chairman and Managing Director of Huma Specialists Hospital and Research Centre Private Limited, an institution of International standards. He is also leading a corporate ISO Certified Diagnostic Division with State of art facilities under one roof as well as heading the Huma Shasun TB Care project. He is the Trustee of the Madras Southwest Rotary Projects and by virtue of hailing from the family of the Nawabs of Carnatic. He was the Executive Trustee of his ancestral Mosque and Trust, The Nawab Fazeelathunnisa Begum Saheba Mosque & Endowment. He is also a member of several institutions in pursuance of his lifelong interest in social welfare. He is also a member of so many committees. Owing to the applicant's success in the medical field, his biography titled "Ippadiyum Oru Maruthuvar" authored by Mr. Paul Suyambu was published in Tamil language in 2024. When the author Mr. Paul

Page No.4 of 29



O.A. No.473 of 2025

in

C.S. No.102 of 2025

Suyambu approached the applicant with the idea of penning the said biography, he had gathered all relevant information that was required and sought by the Author and had diligently provided him with the same. The said biography was crafted with utmost care with an honest intention to serve as a motivational book to many, both in the medical field and otherwise. The said book was received with great success in Tamil Nadu.

2.2. While so, the 1st respondent had issued a communication dated 09.11.2024 in the nature of a publication under the letter head "NAWAB FAZEELATHUNNISA BEGUM SAHEBA MOSQUE & ENDOWMENT (WAQF) GS/59 - MUHAMMAD MUJEEBUR RAHMAN EXECUTIVE MUTHAWALLI/FAMILY TRUSTEE" falsely alleging that the applicant had made errors and omissions galore in the biography and describing it as "Bundle of Stake lies". The said communication contained extremely defamatory contents against the applicant, whereby the 1st respondent had

Page No.5 of 29



O.A. No.473 of 2025

in

C.S. No.102 of 2025

stated that the title of the biography should aptly be "Ippadiyum Oru

Maruthuvara". The communication dated 09.11.2024 in the nature of publication was carried out by the 1st respondent / defendant with the sole intention to tarnish the reputation of the applicant, The communication was also made in the letter head of the NAWAB FAZEELATHUNNISA BEGUM SAHEBA MOSQUE & ENDOWMENT with no authorization. The communication dated 09.11.2024, in the nature of publication was circulated to the offices of (i) The Respected Dr Prof. Sultan Ahmed Ismail Avargal, Member, State Planning Commission, Ezhilagam, Chennai-600 004; (ii) The Respectable Hon'ble Chairman and Members of Parliament, Lok Sabha, Tamil Nadu Waqf Board and (iii) Respectable Janab Darez Ahmed, IAS, Principal Secretary to Government & Chief Executive Officer, Tamil Nadu Waqf Board. The said communication in the nature of publication issued by the 1st respondent was made out to these third parties with the sole intent to tarnish the reputation of the applicant and garner a wide spread audience

Page No.6 of 29



O.A. No.473 of 2025

in

C.S. No.102 of 2025

towards the false defamatory statements made out therein. The respondent /

defendant had with a malicious intent, used the words "Ippadiyum Oru Maruthuvara" in bold letters in almost every page of the communication in the nature of publication dated 09.11.2024, in order to attract all the readers to be a spectator of the 1st respondent's defamation against the applicant.

2.3. The communication dated 12.10.2024 with regard to the alleged unauthorized occupation of WAQF property owned by Nawab Fazeelathunnisa Begum Saheba Mosque & Endowment and claiming a sum of Rs.3,47,15,466/-, was once again forwarded to the Chairman and Chief Executive of the Tamil Nadu Waqf Board amongst others. The Notice dated 13.10.2024 requesting to maintain the status quo of the vacant land of the WAQF property. The 1st respondent, in continuation of his defamatory campaign, issued a Notice dated 21.10.2024, which was circulated and forwarded to various departments and wings of the Government of Tamil

Page No.7 of 29



O.A. No.473 of 2025

in

C.S. No.102 of 2025

Nadu, falsely alleging that the Plaintiff was guilty of Contempt of Court. The

said notice was issued with malafide intention and without any legal basis.

The Notice dated 16.11.2024 titled as final combined demand notice for an alleged sum of Rs.3,51,33,926/- due and payable by the applicant that was once again forwarded to various wings of the Government of Tamil Nadu along with the Chairman, Chief Executive Officer and Chief Administrative Officer of the WAQF Board. Therefore, the statements made in the publication dated 09.11.2024 are perse defamatory. By making such statements, the 1st respondent has sought to create a false narrative that the applicant has acted in a corrupt or negligent manner in relation to properties or assets allegedly under his control, which is entirely untrue. Therefore, the applicant filed this application for grant of interim injunction.

3. The respondents have filed a counter stating that the 1st respondent is the Executive Muthawalli of the 2nd respondent and the above application



O.A. No.473 of 2025

in

C.S. No.102 of 2025

has been filed seeking for injunction by an encroacher in a WAQF property to restrain the Executive Muthawalli of the WAQF institution from using the letter of the WAQF institution which on the face of it is not maintainable and devoid of any merit. The allegations contained in the affidavit, filed in support of the application, are all false. The Plaintiff was the erstwhile Executive Muthawalli of the said WAQF. During his tenure as Muthawalli, the Plaintiff executed illegal and non-est documents in favour of the encroachers of the WAQF properties violating the provisions of WAQF Act. Now as the 2nd defendant WAQF institution through its Executive Muthavalli, the 1st defendant is taking steps for eviction against the Plaintiff and for recovery of WAQF property against the Plaintiff. Therefore, the Plaintiff had developed animosity and is in the habit of harassing the 1st defendant.

3.1. The applicant / Plaintiff has laid the above Suit on the premise that



O.A. No.473 of 2025

in

C.S. No.102 of 2025

his biography was published under the name and style of "Ippadiyum Oru Maruthuvar" in Tamil language during 2024. The 1st defendant in his capacity of Executive Muthawalli of the 2nd defendant institution had written a letter dated 09.11.2024 to the Plaintiff expressing his review on the book pointing out certain errors and omissions in his opinion. The said communication is alleged to be defamatory by the Plaintiff. It is settled law that any piece of art in the form of a book, movie etc., published to reach the public at large and sold at a price to those interested in the said art form is open to a public review and criticism. Such a review to the art form can, in no stretch of imagination, be construed to be defamatory and cannot give a cause of action to the Plaintiff to seek for damages. In fact, the alleged communication by the defendant was addressed only to the Plaintiff and the said communication cannot in any stretch of imagination be termed a publication.



O.A. No.473 of 2025

in

C.S. No.102 of 2025

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3.2. Upon reading the book "Ippadiyum Oru Maruthurvar", the applicant was shocked to learn that there is a specific chapter in the biography concerning the 2nd defendant WAQF institution. The name of the WAQF institution was utilized in the publication without obtaining any permission. As a biography is expected to disclose even the harsh truth without distortion in order to fulfill the promise to its readers that the biography discloses any true facts. However, though the book claims to be a biography of the Plaintiff failed to satisfy the reader by disclosing true facts regarding the administration and those events concerning the WAQF institution. This necessitated the WAQF institution to bring the same to the notice of the Plaintiff to rectify the errors committed in the publication and disclose the true facts to ensure that the biography remains a biography. The 1st defendant in his capacity as the Executive Muthawalli of the WAQF institution addressed a letter to the Plaintiff requesting to review his biography in so far as the chapters concerning the WAQF institution is concerned. The said letter

Page No.11 of 29



O.A. No.473 of 2025

in

C.S. No.102 of 2025

only notes down the honest review and grievances of the defendant which did not find place in the book which a biography is expected to disclose. The applicant / Plaintiff is a rank encroacher in a WAQF property who has put up unauthorized illegal construction violating all norms and orders of this Court. There is no defamatory statement in the said communication, it is only a honest review from a reader of a biography wherein the reader finds the biography does not disclose true and complete facts which a biography expected to disclose.

3.3. The 1st defendant is the Executive Muthawalli of the WAQF institution and he has written the communication in such capacity. The communication dated 09.11.2024 had not been issued to any third party though such a reference has been made in the said communication. When there had been no publication made by this defendant, the allegation of defamation does not arise. The defendant had only communicated to the

Page No.12 of 29



O.A. No.473 of 2025

in

C.S. No.102 of 2025

Plaintiff to make necessary corrections in his biography. It can never be termed to be a defamation as there is no publication or any injury and only a communication to the Plaintiff and to none other than the Plaintiff. The defendant had no malice, ill motive against the Plaintiff. The defendant has only commented as a fair comment to the Plaintiff to engross and include true facts which have been omitted or suppressed best known to the Plaintiff and this defendant confined himself only to Chapter 10 of the Book more particularly pages 109 to 119 which pertained to the WAQF. Therefore, the application is liable to be dismissed.

4. The learned counsel appearing for the applicant / Plaintiff would submit that the Plaintiff is a registered Medical Practitioner and he is the Founder-Chairman and Managing Director of Huma Specialists Hospital and Research Centre Pvt. Ltd., Due to his unblemished track record in his professional as well as his personal life and owing to his success in the

Page No.13 of 29



O.A. No.473 of 2025

in

C.S. No.102 of 2025

medical field, one Mr. Paul Suyambu published the Plaintiff's biography in the year 2024. The 1st defendant, on 09.11.2024, had issued a communication in the nature of publication titled '*Errors and Omission Galore Biography or a bundle of Stark lies*' as a response to the said biography written by Mr. Paul Suyambu. The said communication has been published in the letter head of the 2nd defendant and the said communication in the nature of publication has been circulated to third parties and individuals. The allegations in the said communication are "Errors and Omissions Galore Biography or a Bundle of Stark lies" and the words used as "concerning your misrule and mismanagement" and Chapter 10, pages 109 to 119, is under my main and central focus, comprise some allegedly false, fake, unbelievable, incongruous and unpalatable statements and a bundle of concocted stories. In Paragraph 9, it is stated as "The title of the biography should aptly be "Ippadiyum Oru Maruthuvara". The paragraphs 9, 10, 11, 14, 15, 17, 18, 25, 27, 31 and 32, he made so many defamatory allegations. Therefore, the above said statements

Page No.14 of 29



O.A. No.473 of 2025

in

C.S. No.102 of 2025

are defamatory. For a statement to be found as libelous, the following

elements must be established:

- The statement is false and defamatory
- The statement is written
- The statement is published Circulated to 3rd parties.

On proof of the above facts, the Plaintiff makes out his case, and then it is for the defendant to establish one of the defences recognized by law. In this case, there are so many defamatory words used by the 1st defendant through a letter dated 09.11.2024 and the same was circulated to third parties. Therefore, he has committed defamative publication and therefore, he has filed the main Suit and therefore, the applicant is entitled to the relief as prayed for.

5. In support of his contention, the learned counsel appearing for the



O.A. No.473 of 2025
in
C.S. No.102 of 2025

applicant has relied upon the following judgments:

(i) ***Shree Maheshwar Hydrel Power Corporation Ltd., v. Chitroopa Palit and another reported in AIR 2004 Bom 143.***

(ii) ***Pandey Surendra Nath Sinha and another v. Bageshwari Pd. reported in 1960 SCC Online Pat 116.***

6. The learned Senior counsel appearing for the respondents would submit that the 1st respondent is an Executive Muthawalli of the 2nd respondent. The Plaintiff was erstwhile of the WAQF namely NAWAB FAZEELATHUNNISA BEGUM SAHEBA MOSQUE & ENDOWMENT (WAQF). During his tenure, the Plaintiff had executed an illegal and non-est documents in favour of the encroachers of the WAQF properties violating the provisions of the WAQF Act. He also encroached the WAQF property belonging to the 2nd respondent. Therefore, the 1st respondent is taking steps



O.A. No.473 of 2025

in

C.S. No.102 of 2025

for eviction against the Plaintiff and for recovery of WAQF property against the Plaintiff. Therefore, the Plaintiff has developed animosity and is in the habit of harassing the 1st respondent and 2nd respondent institution.

6.1. The biography of the applicant was published under the name and style of "Ippadiyum Oru Maruthuvar" in Tamil language during 2024. The 1st respondent, in his capacity as Executive Muthawalli of the 2nd respondent institution, had written a letter dated 09.11.2024 to the Plaintiff expressing his review on the book pointing out certain errors and omissions in his opinion. No any copies were served to any third parties. No any communication was sent to the third parties. Though in the said letter, copies were marked to some officials and though it was addressed to Dr. Prof. Sulthan Ahamed and the Chairman, the Chief Executive Officer of the WAQF institution, the same were not sent. The copy being addressed to the Chairman and Chief Executive Officer is a mandate and a duty cast upon the Muthawalli of a

Page No.17 of 29



O.A. No.473 of 2025

in

C.S. No.102 of 2025

WAQF to bring every act of the WAQF institution to the notice of the WAQF

Board. Such exercise of the statutory mandate cannot be understood or treated to be 'defamatory'. The defendant has no malice, ill motive against the Plaintiff.

6.2. The Plaintiff during his tenure Executive Muthawalli held office without any authority beyond the tenure and has granted lease contrary to the provisions of the WAQF Act and interest of the WAQF and had granted 50 year long lease for paltry sums as lease amount for the WAQF property in a prime locality in Mount Road and had, in fact, encroached WAQF property and did not take any action during his tenure to remove the encroachments. The communication dated 09.11.2024 to the Plaintiff contains no defamatory or derogatory statements. They are all matters borne on record and are true in substance and fact. The Plaintiff does not whisper or even allege that the statements contained in the communication dated 09.11.2024 are all false and

Page No.18 of 29



O.A. No.473 of 2025

in

C.S. No.102 of 2025

not a fact. The defendant is taking the shelter of truth and stands by truth contained in the communication dated 09.11.2024. This by itself would not amount to defamation as alleged by the Plaintiff. Therefore, the injunction cannot be granted.

7. In support of his contention, the learned Senior Counsel appearing for the respondents has relied upon the following judgments:

(i) Bloomberg Television Production Services India Private Limited and others v. Zee Entertainment Enterprises Limited reported in (2025) 1 Supreme Court Cases 741.

(ii) M/s. Menaka & Co., v. M/s. Arappor Iyakkam (Madras) reported in 2019 SCC OnLine Mad 39165.

(iii) Khushwant Singh v. Maneka Gandhi (Delhi) reported in 2002 AIR Delhi 58.

(iv) His Holiness Shamar Rimpoche vs. Lea Terhune and others



O.A. No.473 of 2025
in
C.S. No.102 of 2025

reported in 2005 AIR Delhi 167.

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

9. According to the applicant, he, being the Plaintiff, has filed the main Suit on the ground of 'defamation'. According to the Plaintiff, he is a renowned Doctor and the Founder-Chairman and Managing Director of Huma Specialists Hospital and Research Centre Pvt. Ltd., an institution of International Standards and he is also associated with so many reputed associations. While so, owing to the success of the applicant / Plaintiff in the medical field, his Biography titled as 'Ippadiyum Oru Maruthuvar' authored by Mr. Paul Suyambu was published in Tamil language in 2024. While so, the 1st respondent issued a communication dated 09.11.2024 in the nature of publication under the letter head "Nawab Fazeelathunnisa Begum Saheba Mosque & Endowment (WAQF) Gs/59 - Muhammad Mujeebur Rahman

Page No.20 of 29



O.A. No.473 of 2025

in

C.S. No.102 of 2025

Executive Muthawalli/Family Trustee" falsely alleging that the applicant had made errors and omissions galore in the biography and describing it as "Bundle of Stake lies". The said communication contained extremely defamatory contents against the applicant, whereby the 1st respondent had stated that the title of the biography should aptly be "Ippadiyum Oru Maruthuvara". The 1st respondent has denied the defamatory statements and according to him, the applicant encroached the WAQF property and while he was an Executive Muthawalli of the 2nd respondent, the WAQF Board, he had illegally allowed the encroachers to encroach the property and leased out the WAQF properties in an illegal manner. Therefore, the 1st respondent had issued a notice pointing out the same. Since the 1st respondent is the Executive Muthawalli of the 2nd respondent, he used his letter pad. According to the respondents, the letter dated 09.11.2024 is containing true facts and there is no any defamation. Therefore, it is the matter of trial, when such defense is taken.



O.A. No.473 of 2025

in

C.S. No.102 of 2025

10. In the meantime, the applicant has filed this application to grant interim injunction restraining the 1st respondent / defendant, his men, agent, servants or persons acting through or under him or on his behalf from in any way speaking, writing, forwarding, broadcasting, transmitting, publishing, sharing, uploading, issuing defamatory communication in the letterhead of "NAWAB FAZEELATHUNNISA BEGUM SAHEBA MOSQUE & ENDOWMENT (WAQF) GS/59" etc., or in any way communicating to the public the defamatory allegations against the Plaintiff. Since the defense taken by the 1st defendant that the contents in the notice are true, it is to be decided through trial.

11. At this juncture, the learned counsel appearing for the applicant has relied upon judgments in (i) ***Shree Maheshwar Hydel Power Corporation Ltd., v. Chitroopa Palit and another reported in AIR 2004 Bom 143 and*** (ii) ***Pandey Surendra Nath Sinha and another v. Bageshwari Pd. reported in 1960 SCC Online Pat 116.***

Page No.22 of 29



O.A. No.473 of 2025

in

C.S. No.102 of 2025

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On a careful perusal of the said judgments, it is clear that as far as

defamation is concerned, the following elements must be established:

- The statement is false and defamatory
- The statement is written
- The statement is published Circulated to 3rd parties.

In this case, as per the Notice, there are some words "Ippadiyum Oru Maruthuvar Irukka Mudiyuma" and also some other words were also published. The statements are in written and circulated. But the 1st respondent stoutly denied that though in the letter, copies were indicated to serve on some persons, no circulation was made and copies were not circulated to any third parties and therefore, there is no any defamation in this case. Once the defendants have taken a stand that the allegations levelled in the notice are true, it is to be tested through trial.

12. At this juncture, the learned Senior Counsel appearing for the



O.A. No.473 of 2025
in
C.S. No.102 of 2025

respondents has relied upon the following judgments:

(i) Bloomberg Television Production Services India Private Limited and others v. Zee Entertainment Enterprises Limited reported in (2025) 1 Supreme Court Cases 741.

(ii) M/s. Menaka & Co., v. M/s. Arappor Iyakkam (Madras) reported in 2019 SCC OnLine Mad 39165.

(iii) Khushwant Singh v. Maneka Gandhi (Delhi) reported in 2002 AIR Delhi 58.

(iv) His Holiness Shamar Rimpoche vs. Lea Terhune and others reported in 2005 AIR Delhi 167.

On a careful perusal of the above judgments, it is clear that the Courts have to balance freedom of speech with reputation and privacy. Fair comment in the public interest and for public participation cannot be restrained and injunction warranted only in exceptional cases where the article is malicious, palpably false or where defence bound to fail in trial and

Page No.24 of 29



O.A. No.473 of 2025

in

C.S. No.102 of 2025

also the Courts must state reasons indicating how test for granting injunction satisfied. Also, it is clear that, pre-trial injunctions in defamation cases can only be granted in the rarest of rare cases where the allegations are entirely false or made with malafide intent. The right to free speech and public interest takes precedence unless such conditions are met. In the case on hand, according to the applicant, letter dated 09.11.2024 circulated, contains defamatory allegations and according to the respondents, those allegations are true and no copies were communicated to any third parties and the letter has been sent only to the Plaintiff. Therefore, it needs elaborate trial.

13. Since this application has been filed for grant of an interim injunction, it is relevant to refer the order made in *A. No.1009 of 2023 in C.S. No.189 of 2022*, this Court after considering the judgments of the Hon'ble Apex Court particularly in the judgment of Hon'ble Supreme Court in the case of *Justice K.S. Pattuswamy's (Retd.) reported in (2017) 10 SCC 1, R.*



O.A. No.473 of 2025

in

C.S. No.102 of 2025

Rajagopal's case in R. Rajagopal vs State Of T.N reported in 1994 (6) SCC

632 and the judgment of Hon'ble Division Bench of this Court in

R.Rajagopal @ R.R.Gopal @ Nakkheeran ... vs J.Jayalalitha reported in

(2006) 2 LW 377, held in Para No.36 as follows:-

“36. In view of the reasonings & findings I have arrived at, I do not propose to take a different view, than the one taken by the learned Judge in the judgment stated supra. In such a view the order of injunction granted in O.A.No.588 of 2022 in C.S.No.189 of 2022 on 08.09.2022 shall be modified on the following conditions:

(a)The applicant shall not publish any statements on any social media or public platforms regarding the activities of the respondent without causing a notice on the respondent of the queries or gist of the articles to the email I.D. of the respondent, for a response from the respondent. If any response is received within 72 hours, then the applicant may make a statement and in doing so he shall also publish the response received by him with prominence. If no such response is received within the aforesaid period, he shall proceed to publish the article.

(b) If such statements are based upon public records including the Court records, then the applicant is at liberty to make a fair comment/criticism only on the materials available in the public domain.”



O.A. No.473 of 2025

in

C.S. No.102 of 2025

WEB COPY

14. In view of the above discussions, Considering the facts and circumstances of the case and in view of the above said judgments, it is appropriate to pass the following order:

(a) The 1st respondent shall not publish any statements on any social media or public platforms regarding the Biography and the above said Book without causing a notice on the applicant of the queries or gist of the articles to the email I.D. of the applicant, for a response from the applicant. If any response is received within 72 hours, then the 1st respondent may make a statement and in doing so, he shall also publish the response received by him with prominence. If no such response is received within the aforesaid period, they shall proceed to publish the article.

(b) If such statements are based upon public records including the Court records, then the 1st respondent is at liberty to make a fair



O.A. No.473 of 2025

in

C.S. No.102 of 2025

comment/criticism only on the materials available in the public domain.

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15. In view of the above said directions and observations, this application is **disposed of**.

30.10.2025

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mjs

P.DHANABAL.,J

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WEB COPY



O.A. No.473 of 2025
in
C.S. No.102 of 2025

O. A. No.473 of 2025
in
C.S. No.102 of 2025

30.10.2025
[1/2]