



A.No.4210 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON
29.04.2025

PRONOUNCED ON
23.06.2025

CORAM

THE HONOURABLE MR JUSTICE K.KUMARESH BABU

A.No.4210 of 2024

in

C.S.No.169 of 2024

M/s.Galatta Media Private Limited,
Represented by its Authorised Signatory,
Unit 701, Raheja Towers,
Sigma Wing, 177, Anna Salai,
Chennai – 600 002.

Applicant(s)

Vs

1.M/s.Azeem Transport Company,
Repreented by its Partners,
1.A.Garbiey Nawas
2.G.Rahila Begum,
No.10, Azad Street, Near Seven Colours,
Khaderpet, Tiruppur.

2.Pandian

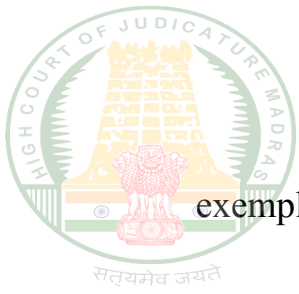
Respondent(s)

For Applicant(s) : Mr.Sanjay Pinto
Respondent(s): Mr.N.A.Nissar Ahmed
Senior Counsel
for Mr.Kowser Sulthana for R1

For

ORDER

The present application has been filed to reject the plaint in
C.S.No.169 of 2024 on the file of the Original Side of this Court with



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exemplary costs.

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2. Heard Mr.Sanjay Pinto, learned counsel for the applicant and Mr.N.A.Nissar Ahmed, learned Senior Counsel appearing for Mr.Kowser Sulthana, learned counsel appearing on behalf of the first respondent.

3. Mr.Sanjay Pinto, learned counsel for the applicant would submit that the suit itself is barred by law of limitation as being hit by Article 75 of the Limitation Act, 1963. He would submit that even according to the plaintiff, the alleged defamation was made on 02.02.2023 and the suit had been instituted before this Court only on 07.06.2024 and hence, the suit had been filed beyond the period of one year and therefore, it is hit by Article 75 of the Limitation Act, 1963. In that context, he had relied upon the judgment of the Hon'ble Apex Court reported in **2020 (7) SCC 366, 2007 (5) SCC 614**.

4. He would further submit that there is no cause of action against the applicant as the applicant is only a platform on which the statement was made by the second defendant. He would submit that there is no question posed by the programmer prompted by the anchor belonging to the applicant and further, the applicant also carries a disclaimer on the start of every

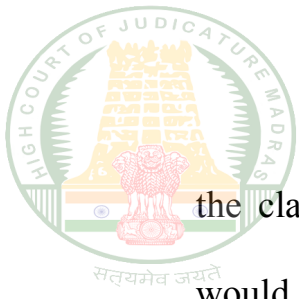


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episode. He would also submit that the said comments made by the second respondent was also deleted from the platform when it had come to the knowledge of the applicant on the complaint made by the plaintiff Such conduct itself would show that the applicant cannot be held liable. He would further submit that the applicant had not made any complaint to the Youtube as against the said defamatory statement, which itself would show that the plaintiff is not an aggrieved person. He would further submit that the statement made are all vague and unsubstantiable and hence, he seeks indulgence of this Court to reject the plaint.

5. Countering his argument, Mr.N.A.Nissar Ahmed, learned Senior Counsel would submit that the suit itself is well within the period of limitation and the issue of limitation is a mixed question of law and fact. He would submit that when the issue of limitation is a mixed question of law and fact, the same could be tried along with the suit by framing an issue on limitation.

6. In that context, he had placed reliance upon the judgment of the learned Single Judge of the Hon'ble Delhi High Court mad in ***Dr.Ajai Agarwal Vs M/s.IBNI8 Media & Software Limited & Others***. As regards to



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the claim of no cause of action being available against the applicant, he would submit that this Court has to only look into the plaint as it is to find out a disclosure of cause of action and the claim made by the applicant based upon the materials in his application cannot be looked into by the Court. He would further submit that the Court cannot dissect the pleadings into several part to reject the claim of the plaintiff and in that context, he had placed reliance upon the judgment of the Hon'ble Apex Court reported in **1999 AIR SC 1128**. Hence, he would pray this Court to dismiss the application and relegate the parties for trial in the suit.

7. I have considered the submissions, made by the learned counsels appearing on either side and perused the materials available on record.

8. The applicant, who is the first defendant in the suit had taken out the present application by contending that the suit is barred by law of limitation, that no defamation had been made by the applicant which are not supported by any materials to show the damage caused to the plaintiff.

9. A reading of the plaint as filed by the first respondent/plaintiff would show that the applicant herein had telecasted an interview of the



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second respondent recorded by it on the Youtube channel. It is the claim that the allegations made had caused prejudice to its business and reputation. The plaintiff had pleaded that the first and second defendants are jointly and severally responsible for bringing down its reputation which had caused heavy damages to it. It is its further case that in spite of having received a Lawyer's notice, the first respondent had also failed to tender any apology.

10. As regards to the issue of limitation, it is to be noted that a straight-jacket formula on the law of limitation cannot be applied and that it is a mixed question of law and fact. As rightly pointed out by the learned Senior Counsel, the issue of limitation can also be framed as an issue in the present case. As regards to the claim of the applicant that there has been no cause of action, a reading of the plaint would disclose that the plaintiff had pleaded that the defamatory statement made by the second respondent/ second defendant had been widely published by the applicant/ first defendant in a Youtube channel. The applicant being a media house, it is its duty to disseminate information after having a consultation with the person against whom it had collected information from various sources. When the second defendant had made allegations which is claimed to be defamatory by the first respondent, this Court is of the view that it is the duty of the



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applicant to have verified such statement with the first respondent/ plaintiff before publishing the same at the Youtube channel. Atleast, it could have got the response from the first respondent/ plaintiff and also published the reply/ statement of the first respondent/ plaintiff. Further, these aspects can only be decided during the trial in the suit. This Court is of the view that there is a disclosure of cause of action by the plaintiff in its pleadings in the plaint and any statement made by the applicant/ first defendant contending that there is no cause of action would also be subject matter of the trial in the suit.

11. For the aforesaid reasons, I do not find any merits in the application and accordingly, the application stands dismissed.

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Gba

Index: Yes/No
Internet: Yes/No

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K.KUMARESH BABU., J

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Pre-Delivery Order in
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