



A. No.3484 of 2025

in

C.S. No.155 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

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1.Shanthi W/o. Balasubramanian
Proprietrix M/s. Sun Engineering Services

2. Balasubramanian S/o. Veluswamy ... Applicants / Defendants

vs.

M/s. Bondada Engineering Ltd.,
represented by its General Manager -
Project & Authorized Signatory
Mr. M.V.L.N. Murthy

... Respondent / Plaintiff.

PRAYER: Application filed under Order XIV, Rule 8 of Original Side Rules
read with Order VII Rule 11(a) of Civil Procedure Code praying to reject the
Plaint filed in the above Suit for want of cause of action.



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For Applicants / Defendants : Mr.V. Selva Perumal

For Respondent / Plaintiff : Mr. C.S. Kiran

ORDER

This application has been filed by the applicants to reject the Plaint for want of cause of action.

2. Brief averments of the application are as follows:

The applicants are the defendants in the main Suit. The respondent / Plaintiff has filed the main Suit for damages for the alleged defamatory statements of email dated 08.05.2024. The applicants / defendants were the sub-contractors in the respondent / Plaintiff company. While so, the Vice President of the respondent company namely Nandhakumar Allari cheated the applicants in various manner. From December 2021 till March 2024, the applicants have completed the work to the tune of Rs.4,03,81,135/- and produced all the invoices to the respondent / Plaintiff company. However, only a sum of Rs.3,62,09,364/- was credited in their account and the

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remaining amount of Rs.41,71,771/- kept as outstanding. In order to get their

bills settled at the earliest and to bring to notice of the respondent / Plaintiff company about the mismanagement of the said Nandakumar Allari, they sent an email dated 08.05.2024 to the higher officials, board members of the respondent / Plaintiff company. The copy of which was also attached to the said Nandakumar Allari and to the Telecommunication firms, GST Department of Tamil Nadu and other Government Departments.

2.1. The said e-mail was sent purely with an intention to bring the truth to the respondent / Plaintiff company and to get their bills cleared. They had no any malafide intention whatsoever and no any intention to defame any person or the Plaintiff in any manner. The applicants / defendants have not made any public statement against the respondent / Plaintiff company. Before filing criminal complaint against the said Nandakumar Allari, the same was brought to the notice of the respondent / Plaintiff company about the

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mismanagement done by the said Nandakumar Allari. The said email sent by

the applicants had no way caused any damage to the respondent / Plaintiff company. While so, instead of taking action against the said Nandakumar Allari, the Plaintiff has issued clean chit on him and filed the above Suit with an intention to escape from the clutches of Civil and Criminal liability for the fraud committed by the Vice President and has filed the above Suit for defamation.

2.2. There is no cause of action arose to file the above Suit for damages. There is no jurisdiction to entertain the Suit. Based on the legal notice dated 23.05.2024 issued by the respondent / Plaintiff to the applicants / defendants on 25.06.2024, the said Nandakumar Allari filed O.S. No.3482 of 2024 on the file of the XXII Additional City Civil Court, Chennai for damages against the applicants. Suppressing the Suit filed by the said Nandakumar Allari, on 29.06.2024, the respondent / Plaintiff have filed the

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Suit, based on the very same legal notice dated 23.05.2024 which amounts to

implicating multiplicity of litigation against the defendants. The applicants / defendants have been residing and carrying on business at Coimbatore. The office address given by the Plaintiff at T.Nagar is used only for the purpose of generating GST Bills and no any business transactions have been done at any point of time. Therefore, using the said address for the purpose of invoking jurisdiction to the above case before this court is an abuse of process of law.

Even as per the pleadings of the Plaintiff, they came to know about the email dated 08.05.2024 at Hyderabad and sent a notice dated 23.05.2024 through their Director Venkata Durga Prasad having office at Telangana and nowhere in the Plaint, they pleaded that they came to know about the alleged defamatory email dated 08.05.2024 at Chennai. Therefore, this Court has no jurisdiction and there is no cause of action to file this Suit and the Suit is liable to be rejected.



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3. **Brief averments of the Counter filed by the respondent / Plaintiff.**

are as follows:-

The averments made in the application are all denied as false and incorrect and the application is liable to be dismissed in *limini*. The grounds raised by the applicants / defendants to file this application is the alleged lack of territorial jurisdiction of this Court to try the Suit. But according to the Plaintiff, this Court has jurisdiction to try the present Suit. Already the Plaintiff filed an application in A. No.3373 of 2024 seeking leave to Sue before this Court and this Court also ordered on 09.07.2024 and granted leave to the Plaintiff to institute the Suit and the said order has not been challenged by the applicants. Already the applicants filed written statement and submitted to the jurisdiction of this Court and hence now they are estopped from raising the issue of alleged lack of territorial jurisdiction of this Court to try the present Suit. According to the Plaintiff, the applicants / defendants had jointly made false and defamatory allegations against the Plaintiff via email



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and the said offending email was sent to around 90 addresses including major

clients of the Plaintiff, Tamil nadu Police Department, Honourable Courts and the Bombay Stock Exchange. The Plaintiff's address at Chennai is the registered office of the Plaintiff for the purpose of GST in the State of Tamil Nad. The Plaintiff carries out its works contract for Telecom Companies only from its Chennai office. The manpower services of the 1st defendant were engaged only through the Chennai office. The offending email being broadcast over the internet via email was first seen at Chennai. Therefore, there is a cause of action arose within the jurisdiction of this Court and this Court has jurisidiction to entertain the Suit. Therefore, there are no any grounds to invoke Order VII Rule 11 of Civil Procedure Code and the application is liable to be dismissed.

4. Heard both sides and perused the records.



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5. This application has been filed by the applicants, who are the defendants in the main Suit on the ground that there is no cause of action arose within the jurisdiction of this Court and this Court has no jurisdiction to try the Suit and therefore, the Suit is liable to be rejected. According to the Plaintiff averments and documents, the applicants / defendants have sent defamatory emails and the emails have been viewed at Chennai office and the Plaintiff's office is situated at Chennai and the defendants were also engaged for works through the Plaintiff's Chennai office. Therefore, a part of cause of action arose within the jurisdiction of the Court.

6. This Court also perused the entire records. As per the Plaintiff, there are pleadings in respect of the cause of action. The Plaintiff has pleaded in his Plaintiff that the cause of action arose within the jurisdiction of this Court and the Plaintiff received the email from the defendants at his office at Chennai, which was addressed to the Plaintiff and addresses which included

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Plaintiff's clients and Staff and various statutory authorities making false and derogatory allegations against the Plaintiff. Therefore, as per the Plaintiff, the cause of action arose within the jurisdiction of this Court. Therefore, there are pleadings to that effect and the Plaintiff discloses cause of action. It is well settled law that the Suit can be rejected if the Suit does not disclose cause of action. However, if any cause of action pleaded, whether that cause of action is true or not, cannot be decided in the application to reject the Plaintiff and it is to be decided through trial.

7. As far as the jurisdiction is concerned, that is not a ground to reject the Plaintiff and it can be raised as preliminary issue and it is to be disposed in the manner known to law. Therefore, the Plaintiff cannot be rejected and the present application has no merits and deserves to be dismissed.



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8. Accordingly, this application is *dismissed*. **There shall be no order**

as to costs.

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