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A No. 5640 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

**A No. 5640 of 2025
in C.S. No.17 of 2021**

Kalaaignar TV Private Limited

Represented by its Director, No.367/369, Anna
Arivalayam, 3rd Floor, Anna Salai, Teynampet,
Chennai – 600 018.

..Applicant(s)

Vs

1. Pollachi V.Jayaraman and another

N.C.B 19, P.S.Kumarasamy Raja Salai, Raja
Annamalaipuram, Chennai – 600 028.

2. S.Udhayanidhi Stalin

No.25/9, Chittaranjan Rd. Cenotaph Rd.
Alwarpet, Chennai -600 018.

..Respondent(s)

PRAYER: This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Order XVI Rule 1(3) read with Section 30 of Code of Civil Procedure praying to issue summons to the witnesses more fully described in the Schedule appended to the Judges Summons to appear before this Hon'ble Court.



For Applicant(s):

M/s.P.Muthukumar

For Respondent(s):

Mr. B. Aravind Srevatsa

ORDER

This application has been filed by the applicant / defendant No.2 to issue summons to the witnesses.

2. According to the applicant, he is the 2nd defendant in the main Suit and the Plaintiff filed the Suit for damages and for other reliefs. Already the 2nd defendant has filed his written statement. In order to prove the case of the 2nd defendant, it is imperative that the Editor of the News article is summoned as a witness for the purpose of marking the news article as an exhibit. The News article contains references to the Plaintiff and the Members associated with him and forms a part of the public discourse and media coverage surrounding the Pollachi incident. The Editor of Junior Vikatan Mr. M. Punniyamoorthi and S. Seviyar Selvakumar are the third parties to the proceedings. Therefore, they have to be examined. The news article was widely circulated, discussed and referenced in several other news reports and media forums. Such being the nature of the News Article, it is imperative that the Editor of the News article is summoned and Mr. M. Punniyamoorthi and S. Seviyar Selvakumar, the reporters of Junior Vikatan, Bi-Weekly Tamil Magazine M/s. Anandavikatan



Publications Private Limited are necessary to decide the case.

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3. The respondents have filed a counter stating that the present application is not maintainable. Already the Plaintiff side evidence was closed and the matter was posted for defendant side evidence. The allegations that the News article contains references to the Plaintiff and the Members associated with him and forms a part of the public discourse and media coverage surrounding the Pollachi incident and the news article was widely circulated, discussed and referenced in several other news reports and media forums, are all denied as false. The defendants have not filed any list of witnesses and on several times, the matter was adjourned for filing proof affidavits by the defendants. Without filing any proof affidavit and without examining defendant side witnesses, now they filed this application to issue summons to Mr. M. Punniyamoorthi and S. Seviyar Selvakumar, Editors of Junior Vikatan Magazine, which is nothing but an attempt of delaying the proceedings. Therefore, the application is not maintainable and the same is liable to be dismissed.

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

5. This application has been filed by the applicant to issue summons to the witnesses and according to the applicant, he is the 2nd defendant in the main Suit and the witnesses are very essential to prove their case. Therefore, they



filed this application. They have not filed any list of witnesses. The other side have raised objections on the ground that on the side of defendants, no witnesses have been examined and without examining the witnesses, they filed this application only to delay the proceedings.

6. Considering the above said submissions, facts and circumstances of the case, the Suit is filed for defamation as against the defendants, according to the defendant, the said news was already circulated and published and thereby, they have to examine the Editors of the Junior Vikatan Magazine and in order to give a fair chance to the defendants, putforth through defendants, it is appropriate to allow this application. As far as the non-examination of witnesses on the side of defendants is concerned, that can be considered at later point of time. Now the applicant has not initiated any steps to examine him as defendant side witnesses. Therefore, this application is ***allowed. Issue summons to the application-mentioned witnesses and post the matter before the Master Courts for recording evidence on 09.02.2026.***

27-01-2026

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P.DHANABAL, J.

MJS

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