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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A.No.1214 of 2026

and

C.S.DR.No.184157 of 2025

Prof.Dr.F.X.Lovelina Little Flower
Dean, Faculty of Social Sciences,
Professor & Head, Department of Social Work,
Bharathiar University, Coimbatore-641 046. ...Applicant/Plaintiff

Vs

1.Dr.Rupa Gunaseelan
Former Registrar i/c & Director i/c,
Bharathiar School of Management and
Entrepreneurial Development,
Coimbatore-641 046.

2. Dr.P.Manju Pushpa
W/o.A.Senthil Kumar,
No.17, Nalvar Nagar South,
Kalveerampalayam,
Bharathiar University Post,
Coimbatore – 641 046. ...Respondents/
Defendants

For Applicant : M/s.K.Shakespeare

ORDER

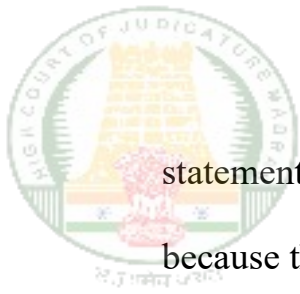
Heard.



2. The applicant/plaintiff has filed the present application under Clause XII of the Letters Patent seeking leave to sue the respondents/defendants before this Court.

3. The applicant is admittedly residing and working at Coimbatore. The first respondent is also shown as being at Coimbatore and the second respondent is likewise shown as residing at Coimbatore. Thus, on the applicant's own showing, both the plaintiff and the defendants are outside the ordinary original civil jurisdiction of this Court.

4. The applicant's case is that she was only a member of the Vice-Chancellor Convenor Committee and not the Vice-Chancellor; that, despite such knowledge, the second respondent filed Contempt Petition No.2737 of 2024 before this Court naming her as Vice-Chancellor and arraying her as second respondent therein; that the first respondent falsely stated before this Court that the applicant had avoided receipt of contempt notice; that a non-bailable warrant came to be issued on 26.06.2025 in the contempt petition; and that she was compelled to appear before this Court on 30.06.2025. She further states that these acts amount to defamation and malicious prosecution, and that part of the cause of action arose within jurisdiction because the alleged



statements were made in the contempt proceedings before this Court and because the respondents caused the issuance of the non-bailable warrant.

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5. The jurisdictional basis so pleaded cannot be accepted. Merely because certain averments are said to have been made in proceedings before this Court, it does not follow that a fit case is made out for grant of leave under Clause XII. The entire basis of the proposed suit is what transpired in Contempt Petition No.2737 of 2024 and the consequences that followed in that proceeding. The applicant herself pleads that the cause of action arose here because of the alleged defamatory statements made in the contempt proceedings and because the respondents caused the issuance of the non-bailable warrant.

6. A non-bailable warrant is, however, a judicial process issued by the Court in the course of judicial proceedings. It cannot be treated, for the purpose of founding civil jurisdiction, as though it were an independent actionable act of the defendants. The applicant may complain of what was stated before the Court, but the issuance of the warrant remains an act of the Court in seisin of the contempt proceeding. The contention that the defendants caused the issuance of the non-bailable warrant cannot furnish a legally sound basis for grant of leave.



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7. Further, even according to the applicant, the alleged wrong is inseparably connected with the contempt proceeding itself. The allegation is that she was wrongly arrayed in the contempt petition, that a statement was made that she had avoided service, and that she was later compelled to appear when process was issued. If that be so, the grievance arises out of, and is embedded in, the conduct of the contempt proceedings. The mere situs of that prior judicial proceeding cannot automatically be converted into a sufficient jurisdictional fact for institution of a subsequent civil suit on the Original Side.

8. The applicant also states that she had filed a sworn affidavit before this Court in June 2025 asserting that she was not the Vice-Chancellor, that she was only a member of the Vice-Chancellor Convenor Committee, and that she was never served with notice of the contempt petition. That averment itself shows that the issue regarding her status and the question of service belonged to the contempt proceeding. Those matters could not, without more, be used to create a separate and fit cause for grant of leave under Clause XII.

9. The applicant's further allegations regarding the Syndicate Resolution dated 01.12.2023, the delay in filing appeal, the alleged collusion between the respondents, and the asserted personal animus in relation to the post of



Registrar, all arise out of events at Bharathiar University, Coimbatore. These averments, on the applicant's own showing, indicate that the real bundle of facts pleaded by her lies outside the jurisdiction of this Court.

10. Learned counsel for the applicant relied on *Boston Scientific International v. Trivitron Healthcare Pvt. Ltd.*, [2015 SCC online Mad 7196] *R. Mathiazhagan v. P.J. Ethiraj* [2021 (3) MWN (Civil) 688], *Bank of Madurai Ltd. v. Messrs. Balaramadass & Brothers*[97 L.W.81], and *Selvaraj v. Koodankulam Nuclear Power Plant India Ltd*[CRP(MD).Nos.915 of 2020 dated 16.07.2021] to contend that, at the stage of grant of leave, the Court must proceed on the plaint averments and not undertake a detailed adjudication. There can be no dispute with the general propositions stated in those decisions. However, even proceeding entirely on the applicant's own averments, no sufficient or fit ground for grant of leave is made out. On the applicant's own showing, she and both respondents are at Coimbatore; the underlying events concerning Bharathiar University, the Syndicate Resolution dated 01.12.2023, the alleged personal animus, and the asserted collusion all arose outside jurisdiction. What is sought to be treated as the jurisdictional link to this Court is only what transpired in the contempt proceedings before this Court. That does not constitute a jurisdictional fact for invoking Clause XII. *Bank of Madurai(supra)* is plainly distinguishable because the defendants there were



within jurisdiction; *Selvaraj (supra)* dealt with scrutiny at the stage of numbering or presentation of the plaint and not with the judicial exercise of discretion under Clause XII.

11. Learned counsel also relied on **West Bengal State Electricity Board v. Dilip Kumar Ray [(2007) 14 SCC 568]** and **Raghuvansh Dewanchand Bhasin v. State of Maharashtra and Another [(2012) 9 SCC 791]**. Those decisions concern, respectively, the ingredients of a claim founded on malicious prosecution and the caution required in the issuance or execution of non-bailable warrants. They do not assist the applicant on the present question, which is not whether the applicant may eventually establish a tortious claim on merits, but whether this Court should grant leave under Clause XII to institute such a suit on the Original Side. In the present case, the non-bailable warrant relied on by the applicant was a judicial process issued in the contempt proceeding. It cannot be re-characterised, for the purpose of territorial jurisdiction, as an independent actionable wrong of the respondents.

12. Equally, the decisions in **Sumat Prasad Jain, Advocate v. Sheo Dutt Sharma and Another [AIR 1946 ALLAHABAD 204]** ; **M. Ranka v. Hon'ble Mr. Justice P.S. Mishra, High Court and P. Subburam, Advocate/Commissioner[1994 -2-L.W]**; **K.S. Illangovan v. The High Court**



of Judicature at Madras and Another [2009 SCC Online Mad 1483]; R. Muthukrishnan v. The Collector of Tiruvallur District [2011 (4) MLJ 39];

The Advocate-General of Tamil Nadu v. R.M. Krishna Raju and Others[MANU/TN/0015/1980]; and Vidya Charan Shukla v. Tamil Nadu Olympic Association and Others[1991 -2-L.W.] arise in the context of privilege attaching to statements in judicial proceedings, the nature and procedure of contempt jurisdiction, the manner of impleading contemnors, intervention in contempt matters, roster or assignment of contempt cases, or the amplitude of the Court's powers in contempt. Those authorities do not lay down that a separate civil suit for defamation or malicious prosecution can be entertained on the Original Side merely because the earlier contempt proceeding was instituted or heard in this Court. Indeed, the decision in *Sumat Prasad Jain(supra)*, far from assisting the applicant, underscores the special protection accorded to statements made in the course of judicial proceedings.

13. Thus, the authorities cited by learned counsel do not displace the central difficulty in the present case, namely, that the pleaded cause of action is inseparably embedded in the earlier contempt proceeding and that the real bundle of facts, on the applicant's own averments, lies outside the ordinary original civil jurisdiction of this Court. The applicant cannot derive jurisdiction merely from the situs of the contempt proceeding, from her appearance before



this Court in that matter, or from the consequences of judicial process issued therein.

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14. The applicant has also attempted to characterise the proposed suit as one for defamation and malicious prosecution. However, as framed, the allegations are substantially founded on statements said to have been made in the course of judicial proceedings and on a coercive process issued by the Court in those proceedings. Even on a consideration of the entire plaint narrative and the points put forward by the applicant herself, this Court is not satisfied that this is a fit case for exercise of discretion under Clause XII of the Letters Patent.

15. In the considered view of this Court, when both the plaintiff and the defendants are outside jurisdiction, when the alleged cause of action is founded entirely upon what transpired in a contempt proceeding before this Court, and when the non-bailable warrant relied upon by the applicant is itself a judicial process issued in that proceeding, no sufficient or fit ground is made out for grant of leave. The applicant cannot derive jurisdiction merely from the fact that she was required to appear before this Court in the contempt matter or from the consequences of process issued therein.



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16. Accordingly, this Application is dismissed. No order as to costs.

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DR.A.D.MARIA CLETE, J.

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