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CRP.No.6666 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6666 of 2025 and
CMP No.32980 of 2025**

1. VP.Duraiswamy
No.17, Ramanujar Street, T.Nagar,
Chennai 600 017,
Formerly Deputy Speaker,
Tamil Nadu Legislative Assembly,
Secretariat, Chennai 600 009.

Petitioner(s)

Vs

U.Sagayam
31, Old No. 13 Iyyanarpuram,
II Street, Pudukottai Pudukottai Dist.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Judgement and decree dated 09.10.2025 in IA No. 3 of 2025 in OS No. 3856 of 2021 on the file of XVI Additional City Civil Court and dispose of the same on merits.

For Petitioner(s): Mr. K.Jagannathan



ORDER

This Civil Revision Petition is filed, challenging the order passed by the Trial Court, allowing the application filed by the respondent, seeking issuance of witness summons to the Editor, Nakkeeran Bi Weekly or any other competent person authorised by the editor for examination as witness on behalf of the respondent.

2. The respondent herein/ plaintiff filed a suit against the petitioner/defendant for recovery of damages. According to the respondent/ plaintiff, the petitioner caused certain offending publications in a Tamil Bi-Weekly Nakeeran during October 20 -22, 2010. It is further stated that the petitioner had made imputations against the respondent in an interview given to the Tamil Bi-Weekly Nakeeran, published during October 2010. In support of the averments made in the plaint regarding interview published in Nakeeran Bi-Weekly, the respondent/plaintiff wanted to examine a competent person from said magazine as a witness on his side. Therefore, the instant application has been filed to issue subpoena to the Editor to depose evidence and the same was allowed by the Trial Court. Aggrieved by the same, the petitioner has come before this court.



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3. The learned counsel for the petitioner would submit that the suit has been filed for recovery of damages against the petitioner. In the said suit, examination of Editor, publisher or printer of the said magazine is not necessary. It is further stated that the respondent/plaintiff already examined himself as a witness on his side and hence, issuance of witness summons to the editor, publisher or printer, after examination of the respondent, would amount to filling up lacunae. The learned counsel also pointed out certain contradictions in the evidence of the respondent, who was examined as PW1 and the averments made by him in the plaint.

4. The contradictions found in the evidence of PW1 with the plaint averments is a matter to be decided at the time of final disposal of the suit. In the plaint, it was clearly averred by the respondent/plaintiff that in an interview given by him to a Tamil Bi-Weekly Nakeeran, the petitioner/defendant had made certain imputations against him. Now, in order to substantiate the same, the respondent/plaintiff wanted to examine a competent employee of the said magazine as a witness on his side. When the offending materials are published in the said magazine, the respondent is entitled to examine a competent



CRP.No.6666 of 2

employee of Nakeeran Bi-Weekly as a witness on his side. Therefore, I do not find any serious error or illegality in the order passed by the Trial Court.

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5. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

07.01.2026

Internet : Yes
Index : Yes / No
Neutral Citation: Yes/No
MST

To

The XVI Additional Judge,
City Civil Court, Chennai.



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CRP.No.6666 of 2

S.SOUNTHAR, J.

MST

CRP.No.6666 of 2025

07.01.2026