

THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment reserved on : 19.01.2026

Judgment pronounced on : 10.04.2026

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THE HON'BLE MR. JUSTICE P.B.BALAJI

A.S.No.383 of 2024
& CMP.No.11542 of 2024

1.Shankar
 2.Balaji Sakthivel

.. Appellants

Vs.

The Correspondent,
 St.Joseph's Girls Higher Secondary School,
 Madurai,
 Madurai District – 625 009.

.. Respondent

Prayer: Appeal Suit filed under Order XLI Rule 1 and Section 96 of CPC, to call for the Lower Court records and to set aside the decree and judgment passed on 28.07.2023 in O.S.No.3060 of 2021 by the learned XVI Additional Judge, City Civil Court, Chennai.

For Appellants : Mr.M.Vijayan
 for Mr.D.Saikumaran

For Respondent : Mr.Godson Swaminathan
 for M/s.Issac Chambers



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JUDGMENT

The defendants, in a suit for damages and injunction, are the appellants herein.

2.Pleadings:

Plaint in brief:

(a) The plaintiff, St.Joseph's Girls Higher Secondary School, Madurai is a reputed School in the State of Tamil Nadu and oldest in the district of Madurai. It has been doing services for the cause of women, over seven decades. The School was established by the Roman Catholic Nuns of St.Joseph's Congregation in 1932 and enjoys permanent recognition of the State Government. The School aims at educating girl students from standards 1 to 12. The School has bagged several awards in academic excellence and discipline.

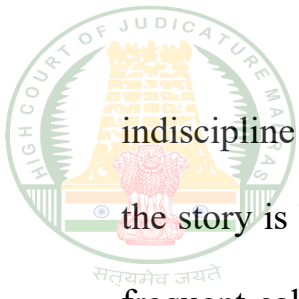
(b) The defendants 1 and 2 released a motion picture in the name of "Kaadhal" on 17.12.2004. The movie has been screened across several theatres all over the State of Tamilnadu, besides other States as well. The story of the movie centers on a minor girl depicted as a student of the plaintiff School. The said girl develops a love affair with a mechanic boy, who works in a roadside two-wheeler mechanic shop, adjoining the



School. The movie depicts the girl wearing the School uniform of the plaintiff School and roaming around with the boy, flirting with him in the outskirts of Madurai. One more girl wearing the same uniform also assists the girl in the movie. The minor girl elopes with the boy to Chennai. However, their attempt to get married was thwarted by the Sub-Registrar, on the ground that the girl is a minor. The boy thereafter ties Mangalsutra on her neck in front of a Vinayagar idol. The marriage is also consummated and they lived as husband and wife. Subsequently, the girl's relatives recovered the minor girl and give her in marriage to some other person and the boy is severely beaten up and as a result of the above, the boy turns mad.

(c) According to the plaintiff, in more than six scenes, the name of the School is specifically shown and the girl is shown as studying in the plaintiff School and wearing the School uniform, which exactly resembles the uniform of the plaintiff School. The Principal, Teachers and Administrators are shown as Christian Nuns also wearing the same uniform as that of the School.

(d) Various scenes in the movie have created an impression that the School provides options, which facilitate the children to develop outside contacts and that the School has a lethargic administration, least bothered about such episodes. Any one, who watches the movie, will get an impression that the School provides an atmosphere of



indiscipline and lack of administration, especially, when it is depicted in the movie that the story is based on a true event. Ever since the movie, the plaintiff has been receiving frequent calls from parents and public, enquiring as to whether any such event actually took place in the School. Doubts have been raised regarding discipline maintained in the School and a shroud of cloud has been caused over proper administration of the institution. The film has created a deep and adverse impression and some of the parents do not want their children to continue in the School any longer.

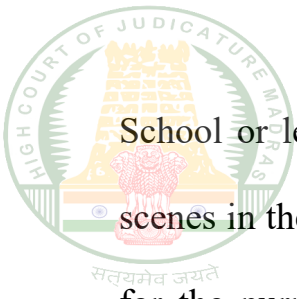
(e) The plaintiff caused a telegraphic notice through its counsel to the defendants on 23.12.2024, setting out the damage done by the defendants to the reputation of the School, because of the movie and calling upon them to stop further screening of the movie. The 2nd defendant sent a reply, admitting the display, but claiming that the scenes referring to the School are only incidental and not real. The movie has damaged the reputation of the School in the minds of the right thinking members of the society and also affected the morale of students studying in the institution. It has also wounded the sentiments of students, teachers, administrators, as well as parents. Thus, the defendants have caused serious and irreparable damage to the plaintiff School and they are liable to pay damages to the plaintiff. The plaintiff also seeks for a permanent injunction to restraining the defendants from screening the said movie any further. The plaintiff also sought for damages of Rs.20,00,000/- from the defendants, besides costs.



3. Written statement in brief:

(a) The suit is not maintainable in law, as the Correspondent of the School cannot sue and seek for the relief sought for in the plaint. The defendants are residing outside the jurisdiction of the High Court (where the suit was originally instituted) and the cause of action does not reveal where the film was exhibited so as to bring the suit within the jurisdiction of this Court. The movie has been certified by the Censor Board of the Central Government and unless the certificate is revoked, the suit for permanent injunction cannot lie or be maintained.

(b) The plaint is bereft of material particulars about actual damage suffered by the plaintiff. The plaintiff has not suffered any damage at all. The suit is based on an imaginary cause of action. Nothing in the movie hurts religious sentiments of anybody or causes damage to the reputation of any School. The movie was taken with great care, with a message to inculcate morality in the younger generation regarding infatuation and educates them to avoid such acts during their formative years. The mechanic shop is clearly depicted to be situated at Jaihindpuram. There is no School, much less, St. Joseph's Girls Higher Secondary School in the said locality and in fact, adjoining the mechanic shop. If at all the School has the same uniform, then it is only incidental and the defendants never purported to give any impression about irresponsibility of the



School or lethargic administration, as claimed in the plaint. In fact, there are ~~no such~~ scenes in the film which lower the reputation of the School. The uniform is created only for the purposes of the movie and the ambiance and appearance of the building are entirely different from the School. School scenes filmed were taken in a different School with the permission of the authority concerned and there is nothing objectionable or condemnable, much less, deplorable about the School in the movie. None of the scenes are derogatory or affect the sanctity of the School, in any manner.

(c) Allegations of frequent calls from parents are denied. None of the movie viewers would have thought of the subject School in the place of the School depicted in the movie. In any event, the movie does not show that the School was instrumental or epicentre for love making or eloping. No untoward scenes are there in the movie, which are shot inside the School premises. The defendants have no intention or malice of any kind against the subject School or to cause any bad impression upon the School, safety of the children, discipline, as well as lack of administration. No right thinking person will get any bad impression about the School on seeing the movie, which only sends out a moral message to young students.



4. Issues framed by the trial Court:

Based on the pleadings, oral and documentary evidence, the trial Court has framed the following issues:

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2.thjp gs;spapd; jhshsuh; jhf;fy; bra;j tHf;F rl;lg;go epiyf;fj;jf;fjh>

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4.nkw;go jpiug;gl;jpy; fjhehafp gs;spapd; rPUilia mzpe;Js;shuh>

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ew;bgaH; bghJkf;fspd; ghh;itapYk; gs;spapd; kPJs;s Mh;tKs;s
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5.Trial:

On the side of the plaintiff, the Correspondent, Salesi Sister Jayarani examined herself as P.W.1 and Salesi Sister Regina Mary as P.W.2 and Ex.A1 to Ex.A5 were marked and on the defendants, one R.Balasubramanian was examined as D.W.1 and K.Paulraj was examined as D.W.2 and Ex.B1 to B3 have been marked.

6.Decision of the trial Court:

The trial Court decreed the suit and directed the defendants to jointly and severally pay a sum of Rs.20 lakhs to the plaintiff within a period of one month. However, the relief of permanent injunction was negated.

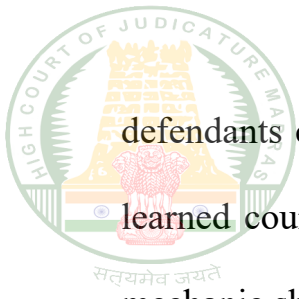
7.Present appeal:



I have heard Mr.M.Vijayan, for Mr.D.Saikumaran, learned counsel appellants and Mr.Godson Swaminathan, for M/s.Issac Chambers, learned counsel for the respondent.

8.Arguments of the learned counsel for the appellants:

(a) Mr.M.Vijayan, learned counsel appearing for the appellants, at the outset, would contend that the plaintiff, who sought for damages, was not the School, but only the Correspondent of the School. According to the learned counsel, when the suit has been filed in the individual capacity of the Correspondent, no relief could have been granted, much less, by way of damages to the Correspondent. In this regard, he would take me through the plaint, as well as the oral evidence of the plaintiff and state that School being a juristic person, the society alone could have moved the Court, claiming damages and the fact that the Correspondent has filed the suit in an individual capacity would only ought to have resulted in dismissal of the suit. The learned counsel would further state that even otherwise the plaintiff has not been able to establish any intention to harm the School, which is a prerequisite in a suit for damages. He would further state that even according to the plaintiff, the uniform only almost resembles the plaintiff's School and therefore, he would state that there was no defamation and the resemblance of the uniform was only purely a co-incidence and when it was not motivated and malicious, but only a result of imagination of the maker of the movie, then the



defendants cannot be called upon to compensate the plaintiff, by way of damages. 111C

learned counsel would further contend that with regard to the allegation regarding the mechanic shop located adjoining the School and the minor eloping with a mechanic who is working in the said mechanic shop, when the movie clearly depicts the mechanic shop to be situate in Jaihindpuram, there can be no occasion for the public, including the movie watchers to even think that the reference is to the plaintiff's School.

(b) As regards the uniform of the nuns, Mr.M.Vijayan would state that the uniform of nuns is one and the same in all Christian institutions and therefore, this cannot give any cause of action to the plaintiff to seek damages. In support of his contentions, the learned counsel for the appellants has relied on the following decisions:

- 1.Babuji Rawji Shah Vs. S.Hussain Zaidi and others, reported in (2023) 20 SCC 660.*
- 2.Nipun Malhotra Vs. Sony Pictures Films India Private Limited and others, reported in 2024 INSC 465.*
- 3.St.Thomas M.S.C Middle School Vs. State of Tamil Nadu, reported in 2017 SCC Online Mad 21028.*
- 4.S.Rangarajan Vs. P.Jagjivan Ram, reported in (1989) 2 SCC 574.*
- 5.Nachiketa Walhekar Vs. CBFC, reported in (2018) 1 SCC 778.*

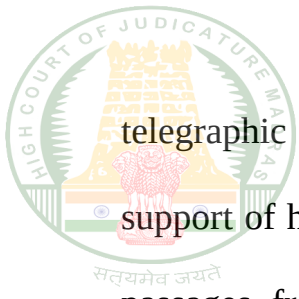
9.Arguments of the learned counsel for the respondent:

(a) Per contra, Mr.Godson Swaminathan, learned counsel appearing for the respondent would submit that the School is a registered private school and the Correspondent is the face of the institution to represent the School and therefore the suit



was very well maintainable. He would also invite my attention to an undertaking affidavit filed by the appellants during the initial stages of the suit and contend that even the said undertaking has not been complied with. Countering the said submission of the learned counsel for the appellants, the learned counsel for the respondent would state that the plaintiff's School is the number one School in Madurai, having earned enormous reputation over the last 70 years and therefore, there was every likelihood and chance for the movie viewers to only link the plaintiff's School to the School depicted in the movie. He would further state that as regards there being no proof of loss of reputation or lowering the reputation of the School, the learned counsel would contend that in such matters of sensitivity, everything cannot be adduced in evidence and there are things, which have to be left to the perception of the Courts.

(b) The learned counsel for the respondent would also invite my attention to the judgment of the trial Court, where the trial Court has recorded the admission of the defendants that the uniform, which the girl wears in the movie is only the uniform of the plaintiff's School. Therefore, according to the learned counsel for the respondent, nothing more is required in the light of such admission made by the defendants, he would also harp on the fact that by mentioning in the movie that it relates to a true incident, more harm has been done to the institution. He would also state that immediately upon coming to know of the reputation of the School being at stake, a



telegraphic notice was issued and without any further delay, the suit was also support of his contentions, the learned counsel for the respondent would rely on certain passages from V.Mitter, Law of Defamation and Malicious Prosecution, Civil and Criminal, 12th Edition – Chapter 11, Damages and Costs, as well as the following decisions:

- 1.*P.C.Bhandari Vs. H.C.Jain, reported in AIR 1975 Raj 40.*
- 2.*M/s.Subbalakshmi Lakshmipathy Foundation Vs. The State of Tamil Nadu, rep by its Secretary, Department of School Education, in W.P. (MD).No.12933 of 2012.*
- 3.*Hindustan Unilever Limited Vs. Reckitt Benckiser India Limited, reported in ILR (2014) II Delhi 1288.*
- 4.*T.Nagarajan and Director of School Education and others, reported in 2007 (2) L.L.N.713.*
- 5.*Experion Developers Private Limited Vs. UP Television Network Private Limited, in CS.(OS).No.27 of 2018 dated 26.05.2020.*
- 6.*Super Cassettes Industries Limited Vs. M/s.Shreya Broadcasting Private Limited in CS.(OS).No.1372 of 2009 dated 25.02.2019.*

10.I have carefully considered the submissions advanced by the learned counsel on either side.

11.Points for consideration:

Upon considering the arguments of the learned counsel for the parties, I frame the following points for consideration:

- 1.Whether the suit is at the instance of the Correspondent of the School seeking damages on behalf of the School is maintainable?



2. Whether the defendant has caused any damages with an intention to harm and lower the reputation of the institution?

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12. Point No.1:

The plaint, admittedly has been filed by “the Correspondent, St. Joseph's Girls Higher Secondary School, Madurai”. The long cause title says that the plaintiff is the Correspondent of the said School. Therefore, in many places of the plaint, there is a reference only to the plaintiff who is the Correspondent, who has instituted the suit in her individual capacity as the Correspondent of the School. In some places, however, she states “plaintiff School”. In the cause of action paragraph, there is not even a whisper, leave alone a reference to the movie or scenes occurring in the movie “Kaadhal” to have damaged the reputation or harmed the good name that the School enjoys in the society. In the verification column as well, the plaintiff only describes herself, namely Rev. Sister Jayarani, aged 63 years, ward of Provincial Sister M. Mary Catherine, Correspondent of the St. Joseph's Girls Higher Secondary School. Therefore, it is seen from the entire plaint that there is not a single averment that the “plaintiff School” has approached the Court claiming damages against the defendants. There is not even a single statement that the plaintiff, as Correspondent, represents the School.

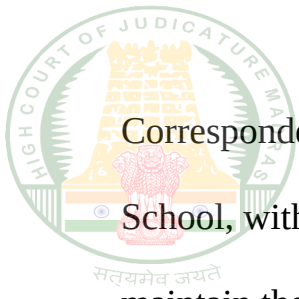
13. It is in this regard Mr. Godson Swaminathan, learned counsel appearing for the respondent has contended that under the relevant provisions of the Tamil Nadu



Recognised Private Schools (Regulation) Act, 1973, as well as Rules, 1974, the SCHOOL

Committee would have a Secretary who would exercise all powers and perform such functions as may be prescribed (Section 16); the Secretary of the School Committee shall function for and on behalf of the School Committee and the educational agency (Rule 13). It is therefore, the endeavour of Mr. Godson Swaminathan to convince this Court that the Correspondent is entitled to represent the School and file the suit.

14. Even assuming, without admitting for a moment that the Correspondent is the competent person to represent the School and sue any person before the Civil Court, as already discussed in detail, the suit is not filed by the Correspondent representing the school. Admittedly, the School is run by a society, which has a separate legal entity in the eye of law. Therefore, if at all the defendants had harmed or lowered the reputation of the School, the society represented by its competent person, who may be the Correspondent or the Secretary of the School Committee, should have approached the Court seeking damages. Absolutely nothing can be made out from the plaint, as filed, that the Correspondent is filing the suit on behalf of the School or the society which runs the School. A suit for damages can be filed claiming compensation, however, it is only the proper party, who has actually been affected or defamed who should approach the Court. Having found that this is absent in the present case, I am unable to hold that the

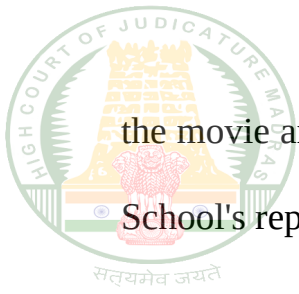


Correspondent was entitled to sue in her individual capacity as the Correspondent of the

School, without even stating that she represents the School as the Correspondent and maintain the suit for damages. It is settled law that even a society, though entitled to seek compensation for damages, such society must do so in its registered name. There is nothing in the plaint also that points out to any act of the defendants or any scene in the movie which has harmed the personal reputation of the Correspondent, the plaintiff. In such circumstances, I am unable to accept the arguments of the learned counsel for the respondent that the suit filed by the Correspondent was very much maintainable. Point No.1 is answered in favour of the appellants and against the respondent.

15.Point No.2:

Mr.Godson Swaminathan, learned counsel for the respondent has contended that when the defendants have admitted that the uniform which the minor girl is shown wearing in several scenes of the movie is the uniform of the plaintiff's School, then there is no need for any further probe or enquiry or even proof to be adduced by the respondent. He would therefore state that the trial Court has rightly taken note of the admissions of the defendants to decree the suit. It is also his argument that certain things are intangible and no evidence can be let in such cases and the assessment of harm or damage to reputation in such cases will have to be necessarily assessed going by general settled perceptions of the society. I have already discussed in detail about the theme of



the movie and the allegations made against the defendants by the plaintiff, as to how the

School's reputation has been harmed and lowered.

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16. It is settled law that in a suit for damages/compensation, the claimant has to necessarily establish that the imputation concerning the claimant was intentional and that such intention was to harm, with knowledge or reason to believe that such imputation will harm the reputation of the claimant. The burden is on the plaintiff to establish the above. Testing the plaint averments and allegations and the evidence adduced on the side of the plaintiff, I find that though in the plaint it is alleged that several parents have called up the plaintiff and enquired as to whether the incident really happened in the plaintiff's School and that some of the parents wanted to discontinue their wards and therefore, serious harm has been caused to the reputation of the plaintiff's School, the plaintiff has not been able to substantiate the same by any documentary evidence or by examining any third party witnesses, including the parents who have allegedly enquired about the incident after watching or hearing about the movie and have expressed their wish to take out their children from the School, because of the movie depicting the School in poor light.

17. In fact, on the contrary, the plaintiff's witnesses admit that there is no reduction in the students strength. P.W.1 admits that there is no enmity between the defendants and



the School. She also admits that the School uniform has not been marked as an exhibit.

Therefore, even assuming that the plaintiff was entitled to sue on behalf of the School, the plaintiff has miserably failed to establish that the defendants have caused intentional damage to the reputation of the School and in any event, there is admittedly no proof with regard to any actual damage suffered by the School. The movie admittedly centers around a love affair between the minor School going girl with a boy from a lower strata of society, who is employed in a mechanic shop which is situated adjoining the School premises.

18.As rightly contended by the learned counsel for the appellants, Mr.M.Vijayan, it is not even a case of the plaintiff that any derogatory scenes are shown, as if they occurred within the School premises and in the movie, the mechanic shop was clearly shown as being situate in Jaihindpuram locality, which is not the locality in which the plaintiff's School is situated. When the plaintiff's School enjoys a great reputation in Madurai District, no person of reasonable prudence would relate a School situate in Jaihindpuram to the plaintiff's School, because a School of such repute, certainly will also go by its location.

19.As contended by the defendants even in the written statement, the message that was sought to be conveyed in the movie was to discourage infatuation in the adolescent



years, which results in disastrous consequences for youngsters. Therefore, in the absence of the plaintiff showing any semblance of intention on the part of the defendants to harm the plaintiff's reputation and also the actual harm or loss to reputation being caused being proved, I do not see how the defendants can be called upon to compensate the plaintiff.

20. Unless therefore, it is clearly established by satisfactory evidence on the side of the plaintiff that the plaintiff has been portrayed in poor light or that the plaintiff has been instrumental or had aided the love affair of the minor girl and the mechanic boy, I do not see how the plaintiff can claim to have suffered any damages, especially in the absence of such scenes portrayed in the movie as well. I do not see how the story of the movie which portrays two separate and distinct individual's, their personal feelings and instincts would affect the reputation of the School or project the administration in poor light or that the School lacks discipline. If at all the plaintiff had complained of any such scenes in the movie where the administrators or the teachers or the heads of the institution are shown as being parties to the acts of eloping or the couple roaming around the outskirts of Madurai, then it can be said that there may be a cause of action for the School to seek damages.



21. In fact, even in the plaint, the plaintiff only asserts that the uniform that the plaintiff is wearing in the movie resembles the uniform of the plaintiff's School. It is not even the case of the plaintiff that the same uniform has been used in a movie. Therefore, in the absence of any allegation of intention to harm the reputation of the plaintiff, at best, the resemblance of the uniform can only be termed as a coincidence and nothing more can be imputed against the defendants.

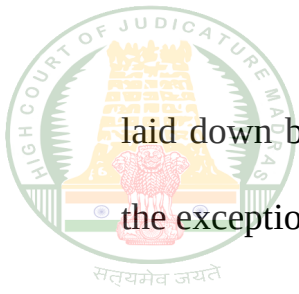
22. This Court, in *St. Thomas M.S.C Middle School's case*, referred herein supra, accepted the argument of the writ petitioner that the School is not a juristic person and it cannot own any property on its own and it is only the educational agency, which is administering and running the School, which should be entitled for grant of recognition.

23. In *Nipun Malhotra's case*, referred herein supra, the Hon'ble Supreme Court held that tests have been laid down by the Hon'ble Supreme Court to determine challenges to portrayal of persons, situations and characters in films and that there must not be any bar from mere portrayal and due regard must be had to the overall message of the film, rather than stand alone scenes. The Hon'ble Supreme Court further held that films must remain sensitive to standards of society and alive to social changes and once a film is certified by the Censor Board, then the film is presumed to have complied with applicable rules and guidelines, including its effect on the public and the same cannot



ordinarily be reassessed by the Court, since it has already been considered by an expert body. In the facts of the present case also, it is an admitted fact that the Censor Board has certified the movie and the certificate has not been recalled at the instance of either the plaintiff or the school or any body else and having already held that the message in the movie is only to portray the ills of infatuation and its dangerous effects on adolescent children, the incidental portrayal of the girl in the movie wearing the uniform resembling the plaintiff's School would not amount to harming the reputation of the institution.

24. In *Babuji Rawji Shah's case*, referred herein supra, the Hon'ble Supreme Court held that defamation has been defined in Section 499 of IPC, 1860 and in terms of Explanation 1, defamation would arise only if there is anything imputed to harm the reputation of the person and such imputation is intended to be harmful to the feelings of the person, family or mere relatives. Explanation 4 to Section 499 of IPC clarifies that no imputation can be brought within the category of harming a person's reputation unless the imputation either directly or indirectly in the estimation of others, lowers the morale or intellectual character of the person, namely the claimant. The Hon'ble Supreme Court further also recognised an exception to the law of defamation and held that it will not be defamation to something which is true and concerning any persons or his imputation has been made or published for the public good. Therefore, considering the message with which the movie has been taken and released and applying the ratio



laid down by the Hon'ble Supreme Court in this decision, this case clearly falls within the exception set out by the Hon'ble Supreme Court.

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25. The Hon'ble Supreme Court in *S.Rangarajan's case*, referred herein supra, held that the standard of test in judging a film should be that of an ordinary man of common sense and prudence and not that of an out of the ordinary or hypersensitive man. The Hon'ble Supreme Court further held that a movie has the unique capacity to disturb and arouse feelings and it has as much potential for evil as it has for good and since it caters to mass audience who are generally not selective about what they watch, a movie cannot be equated with other modes of communication and cannot be allowed to function in a free market place, just as newspapers and magazines do and held that therefore censorship by prior restraint is not only desirable but also necessary. At the same time, the Hon'ble Supreme Court held that the Censor Board need not have an orthodox or conservative outlook and they must be responsible to social change and they must go with the current climate. On facts, the Hon'ble Supreme Court held that the film deprecated exploitation of people, which was the range and rigour of the film and making allegations pointing out to certain specific reels alone would not amount to criticism of reservation policy or praising the colonial rule, affecting the security of the State. Applying the ratio laid down by the Hon'ble Supreme Court to the facts of the present case as well, taking into account the facts of the case with specific reference to



the plaintiff allegations and defence set up by the appellants, I am unable to hold that the defendants have caused any damage to the reputation of the School in question.

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26. In *Nachiketa Walhekar's case*, referred herein supra, the Hon'ble Supreme Court held that a film is a creation of art and an artist has his own freedom to express himself in a manner which is not prohibited in law and such prohibitions are not read by implication to crucify the rights of expressive mind and when the Central Board of Film Certification has granted the certificate for the film, the Court must restrain itself from entertaining the writ petition or by granting injunction.

27. In *Bala Ram's case*, referred herein supra, a Single Judge of the Rajasthan High Court held that there are two kinds of damages, one is general damages and the other is special damages and when general damages are sought for, the plaintiff need not be called upon to lead evidence of concrete instances of transactions allegedly resulting in pecuniary loss on account of the defamation which would be necessary only in a case where special damages are sought for. There is no difficulty with regard to ratio laid down by the Rajasthan High Court. However, for the various discussions made herein above, having found that the plaintiff has not been able to show even any motive, leave alone actual loss suffered or damage to reputation having been caused because of the

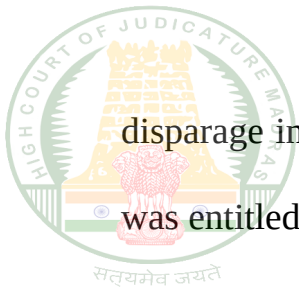


movie, I am unable to apply the ratio laid down by the Rajasthan High Court to the facts of this case.

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28. In *Subbalakshmi Lakshmi Pathy Foundation's case*, referred herein supra, this Court held that the petitioner School is run by a Company under Section 25(A) of the Companies Act and held that the School was entitled to recognition without taking the land on lease or rental basis. On facts, this Court found that the School is running in a campus having the adequate and required extent of land and the property was owned by the education agency. There was not necessity for requirement of lease in favour of the School or the School committee. The facts of this case were on an entirely different footing. It related to grant of recognition for the School. However, in the present case, we are dealing with the allegation of defamation by the defendants. Therefore, this decision is of no avail to the respondent.

29. In *Hindustan Unilever Limited's case*, referred herein supra, the Delhi High Court held that there is an overwhelming consensus of judicial opinion that to determine whether a statement amounts to defamation, the view point to be considered is that of the general public (the refinements of whether such “right thinking” or “reasonable” persons belonging to a “respectable” section of the public). There is no quarrel with regard to the general propositions. However, the case was dealing with an act of

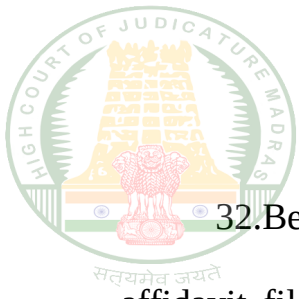


disparage in an advertisement and on facts, the Court found that the successful plaintiff was entitled to recover compensation.

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30.The Delhi High Court in *Experion Developers Private Limited's* case, referred herein supra, was dealing with a suit for permanent injunction regarding defamatory reports against the plaintiff in social media. That was a case where the allegations were in the nature of terming the plaintiff as a thug builder, colluding with politician and violating laws. It is in that context that the said decision was rendered. This will have no application to the facts of the present case where admittedly it has not been established by the plaintiff that because of the movie, the plaintiff has suffered some loss or any loss whatsoever.

31.In *Super Cassettes Industries Limited's* case, referred herein supra, also it was a case involving intellectual property rights and this decision will also not apply to the facts of the present case. The relevant tests and yardstick that are necessary to be applied in a matter pertaining to intellectual property rights are entirely different from the tests which are to be applied in a case where defamation is alleged and compensation is sought for. Therefore, none of the decisions that have relied on by the learned counsel for the respondent would be of any help to the plaintiff. For all the above reasons, Point No.2 is also answered in favour of the appellants and against the respondent.



32. Before parting, arguments were also advanced with regard to an undertaking affidavit filed by the appellants before this Court when the suit was then originally pending on the Original Side of this Court, before being transferred to the file of the City Civil Court on account of pecuniary jurisdiction.

33. The 1st defendant filed an affidavit of undertaking dated 23.03.2005, stating that he has removed from the film the name “Madurai” in the Board of the School and that in two other places where it is remotely shown the name Madurai will not even be visible. With regard to the banner of the School, which is displayed on the bus taking the School children, the 1st defendant has states that the banner cannot be removed as it is associated with the song and in such circumstances, they have removed the scene showing the bus itself. The learned counsel for the respondent has argued that the said undertaking has not been complied with and there has been violation of the said undertaking. If at all the respondent was aggrieved by the non-compliance of such undertaking, nothing prevented the respondent from approaching this Court immediately complaining of such non compliance or disobedience or violation of the voluntary undertaking given to this Court. I do not see how this will have any impact in the final decision after trial.



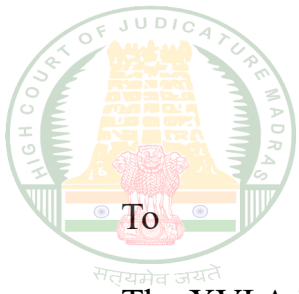
34.Result:

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In fine, the Appeal Suit is allowed and the judgment and decree dated 28.07.2023 in O.S.No.3060 of 2021 by the learned XVI Additional Judge, City Civil Court, Chennai, is set aside. Considering that the plaintiff attempted to espouse the cause of an educational institution, I am not inclined to impose costs. Connected Civil Miscellaneous Petition is closed.

10.04.2026

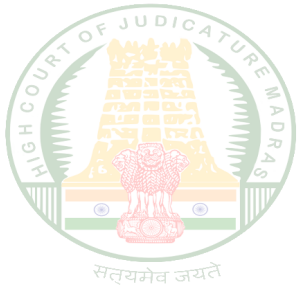
Neutral Citation Case : Yes / No
Speaking / Non-speaking order
Index : Yes/No
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To

The XVI Additional Judge, City Civil Court, Chennai.

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P.B.BALAJI.J.

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Pre-delivery Judgment made in
A.S.No.383 of 2024
& CMP.No.11542 of 2024

10.04.2026