



A No. 1649 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2026

CORAM

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

A No. 1649 of 2026

in

CS NO. 73 of 2025

Dr. B. Mukesh
S/o.B.P.Gehlot,
Mercury Hospital,
No.36, Pantheon Road,
Egmore, Ch-8

Also at
Centre for Diabetes care,
No.21, 3rd Main Road,
Dhandeeswaran, Velachery,
Ch-42

..Applicant(s)

Vs

Dr. V. Mohan
S/o.Late.Dr.Viswanathan,
Chairman,
Madras Diabetes Research Foundation,
No.6, Conron Smith Road,
Gopalapuram, Chennai-86.

..Respondent(s)

A No. 1649 of 2026

To Reject the Plaint in C.S.No.73 of 2025 on the file of this Honble court.

For Applicant(s):

Mr.T.Mohan, Senior Advocate
for M/S.Abhinav Parthasarathy

For Respondent(s):

Mr.Krishna Ravindran



ORDER

This Application has been filed by the applicant / defendant under Order VII Rule 11 of the Code of Civil Procedure seeking rejection of the plaint in C.S.No.73 of 2025 on the ground that the suit is barred by limitation and that the plaint does not disclose a real or subsisting cause of action.

2.The suit has been instituted by the plaintiff, inter alia, a direction to the defendant to pay a sum of Rs.1,00,00,010/- as compensation for the alleged severe damage and injury caused to the reputation and professional standing of the plaintiff and the institution headed by him on account of the alleged defamatory acts of the defendant. The plaintiff has also sought permanent injunction restraining the defendant from publishing, circulating or making any false, defamatory or slanderous statements against the plaintiff through social media, public media or otherwise, together with costs.

3.According to the defendant, the allegations contained in the plaint relate substantially to incidents with allegedly occurred several years prior to the institution of the suit. It is contended that an action for defamation is governed by Articles 75 & 76 of the Limitation Act, 1963, prescribing a period of one year from the date of publication or utterance, as the case may be. The defendant therefore, contends that the alleged incidents of the year 2017 are



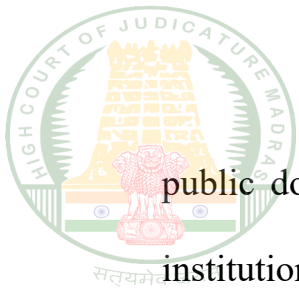
hopelessly barred by limitation.

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4.The defendant further contents that the plaintiff has relied upon an article published on 04.01.2025 only with a view to create a fresh cause of action and thereby overcome the bar of limitation. According to the defendant, a bare reading of the said article would disclose that there is nothing defamatory therein. It is also contended that the publisher of the article has not been impleaded as a party and that the suit is therefore defective.

5.The defendant would further contend that the allegations made against him relate to complaints submitted before various authorities and forums and that he had acted only as a Whistle blower in the larger public interest. According to him, the complaints were based upon materials analysed by him on the basis of his experience and knowledge and cannot be characterised as defamatory because they were adverse to the plaintiff. The defendant has also referred to the plaintiff's alleged statements regarding the drug pioglitazone and his conduct in seeking its ban.

6.It is further submitted that this Court in O.A.No.361 of 2025 by order dated 08.08.2025, granted an interim injunction restraining the defendant from publishing, circulating or writing in any manner on social media or any other



public domain, false and derogatory remarks concerning the plaintiff and his institution. The defendant challenged the said order in O.S.A.No.382 of 2025 and, by order dated 11.02.2026, the operation of the injunction was stayed. The said appeal is stated to be pending. According to the defendant, the present suit amounts to a SLAPP action intended to curtail his freedom of speech and his right to raise issues concerning public health.

7.Per contra, the plaintiff would submit that the suit is founded upon a series of defamatory statements and publications made by the defendants against the plaintiff and that such statements were circulated amount members of the Academic and medical fraternity, including professors and professionals. It is contended that several persons brought the statements to the plaintiff's notice and sought clarification, thereby causing embarrassment, humiliation and injury to his professional reputation.

8.The plaintiff would further contend that the defamatory acts pleaded in the plaint are not confined to a single isolated incident but constitute repeated and continuing publication. The article dated 04.01.2025 is stated to form part of the continuing course of defamatory conduct and to have emanated from the allegations made by the defendant, who, according to the plaintiff, is the author, originator and primary source of the imputations. The plaintiff further contents



that each subsequent publication or circulation of the defamatory allegations constitutes a distinct cause of action and that the issue of limitation cannot be determined without examining the nature, date, manner and circumstances of the several publications. It is therefore, submitted that the question of limitation involves mixed questions of fact and law and cannot be decided under Order VII Rule 11 CPC.

9.The plaintiff also submits that the defence of the defendant that he acted as a whistle blower, that the publications were made in public interest, or that they constituted fair criticism, are matters of defence requiring adjudication after evidence and cannot be considered while deciding an application for rejection of the plaint.

10.Heard the learned counsel for the respective parties, perused the pleadings and the materials placed before this Court.

Points for consideration:

- 1 . Whether the plaint, on a meaningful and plain reading, discloses a cause of action?*
- 2.Whether the suit is ex-facie barred by limitation so as to attract Order VII Rule 11 (d) CPC?*
- 3.Whether the defence raised by the defendants can be considered at this stage?*

**Point Nos.1 to 3**

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11.The scope of an application under Order VII Rule 11 CPC is well settled. For deciding an application under Order VII Rule 11, this Court is required to look primarily at the averments contained in the plaint and the documents relied upon by the plaintiff. The defence set up by the defendants cannot ordinarily be taken into consideration for determining whether the plaint discloses a cause of action or is barred by law.

12.The plaint in the present case contains specific averments regarding the alleged defamatory statements made by the defendant, the persons and sections of the academic and medical community to whom such statements were allegedly communicated, the alleged publication and circulation of the imputations and the injury allegedly caused to the plaintiff's professional reputation. The plaintiff has also pleaded a subsequent publication dated 04.01.2025 and has attributed the same to the defendant's continuing course of conduct.

13.Whether the statements attributed to the defendant are in fact false, whether they are defamatory whether they were published to third parties, whether the defendant was responsible for such publication, and whether they



caused injury to the reputation of the plaintiff are all matters requiring adjudication on evidence. The plaint cannot therefore be said to disclose no cause of action.

14.The more substantial objection of the defendant is that the suit is barred by limitation. It is true that Articles 75 & 76 of the Limitation Act prescribe a period of one year for specified actions founded on libel and slander respectively. However, the mere existence of a one year limitation period does not automatically establish that the present plaint is barred by limitation.

15.The plaint specifically refers to a publication dated 04.01.2025 and alleges that the same forms part of the continuing course of defamatory publication and circulation attributable to the defendant. The suit is of the year 2025. Therefore, whether the publication dated 04.01.2025 constitutes a fresh or independent actionable publication, whether it is attributable to the defendant, whether it contains defamatory imputations, and what is its relationship with the earlier alleged publication are questions which cannot be conclusively determined merely by accepting the defendant's interpretation of the plaint.

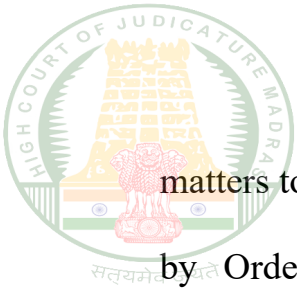
16.The defendant seeks to characterise the entire suit as an action based upon incidents of the year 2017. The plaintiff, however, does not rest his claim



exclusively upon those alleged incident. The plaintiff has pleaded subsequent communications and publications and relies upon the publication dated 04.01.2025 as part of the alleged continuing conduct.

17. At this stage, this Court cannot undertake an evidentiary examination to determine whether the later publication was genuinely independent, whether it reproduced or republished the earlier allegations, whether the defendant was source of publication, or whether each communication constituted a separate actionable publication. Those questions may have a direct bearing upon limitation. It is equally not appropriate at this stage to accept the defendant's contention that the article dated 04.01.2025 contains nothing defamatory. Whether an imputation is defamatory depends not merely upon isolated words but upon the meaning conveyed in the context in which the words were published and the effect upon the reputation of the plaintiff. Such an exercise, in the circumstance of the present case, cannot be undertaken while considering an application under Order VII Rule 11 CPC.

18. The defendant's contention that the publisher of the article is a necessary party also does not, by itself, furnish a ground for rejection of the plaint under Order VII Rule 11 CPC. Whether the publisher is a necessary or proper party and what relief can effectively be granted against the defendant or



matters to be considered, in the suit. Non-joinder of a necessary party is governed by Order I Rule 9 CPC and does not, in the circumstances pleaded, automatically attract rejection of the plaint.

19.The contention that the defendant acted as a whistle blower and that his complaints were made bona fide in public interest also cannot be adjudicated at this stage. Likewise, the defendant's contention concerning the drug pioglitazone, the plaintiff's research publications, statements allegedly made by the plaintiff in an interview and the defendant's interpretation of the material available to him are matters which essentially constitutes the defence on merits. Whether the defendant's statements are protected by truth, fair comment, privilege, good faith, public interest or any other available defence is a matter to be determined on the pleadings and evidence. The Court cannot, while considering an application under Order VII Rule 11, conduct a mini trial into the merits of such defences.

20.The Hon'ble Supreme Court has repeatedly held that the Court, while exercising jurisdiction under Order VII Rule 11 CPC, must examine the plaint as a whole and cannot embark upon an examination of the merits of the defence. In the present case, the plaint discloses a specific cause of action founded upon alleged defamatory statements and publications. The plaintiff has also pleaded a



publication dated 04.01.2025, which, according to him, forms part of the alleged defamatory conduct. The question whether the suit, having regard to the dates and nature of alleged publication, is ultimately within limitation requires consideration of the evidence and the applicable law. It cannot therefore be said, merely from the averments in the plaint, that the entire claim is hopelessly barred by limitation. The defendant's attempt to dissect the plaint and treat the earlier incidents in isolation, while disputing the effect of the subsequent publication pleaded by the plaintiff, cannot be accepted for the limited purpose of Order VII Rule 11 CPC. This Court is also conscious that a plaintiff cannot indefinitely revive a stale claim merely by describing an old grievance as a continuing cause of action. However, whether the subsequent acts pleaded in the present plaint constitute fresh publications giving rise to independent cause of action, or merely refer back to an earlier publication, is a matter requiring factual determination in the circumstances of this case. That question cannot be decided against the plaintiff at the threshold.

21. Consequently, this Court finds that the plaint neither fails to disclose a cause of action nor, on its face, demonstrates that the entire suit is barred by limitation. The disputed questions raised by the defendant regarding the character of the publication, the date and manner of their circulation, the role of the defendant, the effect of the subsequent publication, the alleged public



interest justification and the applicability of the various defences are matters for trial.

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22. In the result, the application filed by the defendant under Order VII Rule 11 (a) & (d) CPC seeking rejection of the plaint in C.S.No.73 of 2025 is dismissed.

28-08-2026
[1/2]

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

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A No. 1649 of 2



K.GOVINDARAJAN THILAKAVADI J.

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