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O.S.A.No.326 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 14.10.2025

Delivered on : 31.10.2025

CORAM

THE HONOURABLE MR JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

OSA.No.326 of 2025

G.Sampathkumar IPS,

C/o. The Office of the Director General of Police,

Dr.Radhakrishnan Salai,

Mylapore, Chennai-600 004.

.. Appellant / Applicant /
3rd defendant

Vs.

1.Mahendra Singh Dhoni

... 1st Respondent / 1st Respondent /
Plaintiff

2.Zee Media Corporation Limited,

(Zee News Channel),

Essel Studio, FC-19, Sector 16-A,

Noida-201301, Uttarpradesh,

Also at: Alpha Centre, Eagle House,

III Floor, 150 & 151, North Usman Road,

T.Nagar, Chennai-600 017.

3.Mr.Sudhir Chaudhary,

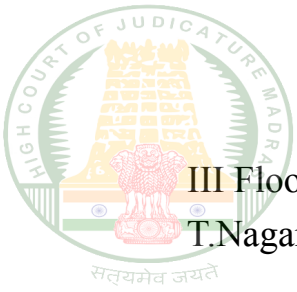
Editor and Business Head of Zee News Channel,

Zee Media Corporation Limited,

Essen Studio, FC-19, Sector 16-A,

Noida-201301, Uttarpradesh,

Also at: Alpha Centre, Eagle House,



III Floor, 150 & 151, North Usman Road,
T.Nagar, Chennai-600 017.

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4. News Nation Network Pvt. Ltd.,
(News Nation Channel)
Plot No.14, Sector 126,
Noida, Uttarpradesh-201 301.

.. Respondents /
Defendants

Prayer: Original Side Appeal filed under Order XXXVI Rule 9 of O.S. Rules read with Clause 15 of the Letters Patent against the order dated 09.12.2021 passed in Application No.4559 of 2021 in C.S.No.185 / 2014.

For Appellant

: Mr.R.C.Paul Kanagaraj

For Defendants

: Mr.P.R.Raman, Senior Counsel

for Mr.Anupam Raghuram for R1

JUDGMENT

M.JOTHIRAMAN, J.

Unsuccessful 3rd defendant has preferred the Original Side Appeal against the order passed in A.No.4559 of 2021 in C.S.No.185 of 2014 dated 09.12.2021.

2. The 1st respondent / plaintiff Mahendra Singh Dhoni has filed a Civil Suit in C.S.No.185 of 2014 before this Court against Zee Media Corporation Limited (Zee News Channel) / 1st defendant, M/s.Sudhir Chaudhary / 2nd defendant, Mr.G.Sampath Kumar IPS / 3rd defendant and M/s.News Nation Network Pvt. Ltd., / 4th defendant, seeking for the following reliefs:

(a) Permanent Injunction restraining the defendants 1 to 4,
their associates, sister concerns, agents, representatives,

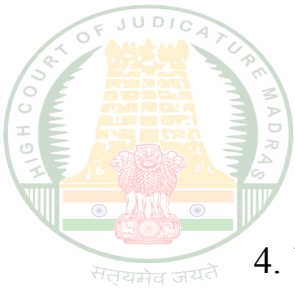


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correspondents, officers, employees and/or any other person entity, in print or electronic media or via internet or otherwise from publishing, republishing, carrying out any reports or articles or telecasts or repeat telecasts or programs or debates or any discussion or reporting or publishing in any other manner, any other matter of any kind directly or indirectly pertaining to the alleged report of the 3rd defendant or any matter incidental thereto or any other matter related to the said alleged statement and / or any news content relating the plaintiff to acts of betting, spot fixing and match fixing of cricket matches or in any manner insinuating or denigrating the integrity and honesty of the plaintiff as a cricketer except the publication or news of the exact judicial order, if any, passed by the Hon'ble Courts

(b) Damages in favour of the plaintiff and against the defendant Nos.1 to 4 jointly and severally for an amount of Rs.1,00,00,000/- and other consequential reliefs.

3. The defendants have filed their written statement, necessary issues were framed and the trial was also scheduled to commence on 01.12.2021. At that stage, the 3rd defendant has filed an application in A.No.4559 of 2021 in C.S.No.185 of 2014 under Order VII Rule 11(a) CPC to reject the plaint as there is no cause of action against the the appellant / 3rd defendant.



4. Upon hearing either side, the learned Single Judge of this Court, vide order dated 09.12.2021, dismissed the application with the following observations:

“5.1. In this case issues were framed and the trial was scheduled to commence on 01.12.2021. It appears that this applicant has suddenly woken up to the existence of a procedural right to seek rejection of the plaint, perhaps on a belated dawning of enlightenment, applies for it. Why has he not filed it earlier?”

5.2. This now takes this Court to consider the merits of the averments. The counsel for the applicant required this Court to appreciate that the 3rd defendant, who has been departmentally proceeded against viz-a-viz the investigation of that which later led to the cause of action for filing litigation, has been now exonerated. This may, at best, be a defence in the suit, but still is not worthy of seeking rejection of the plaint.

6.1. It is essential to remember that the Courts are not guided by an automated psyche to patronise litigant's irresponsibility in using or misusing a procedural facility, and to tacitly encourage laying any procedural obstruction on the road to justice. Courts have a duty not just to the litigants but to the countrymen. Hence, the Courts are required to remind themselves constantly that in a performance audit by the countrymen the Court will stand alone to defend themselves without a defence for the delay in disposal of cases and pendency in litigations, unaided by any of the litigants or their counsel. Courts therefore, has a duty to balance the procedural right by the countrymen the Court will stand alone to defend themselves without a defence for the delay in disposal of cases and pendency in litigations, unaided by any of the litigants or their counsel. Courts therefore, has a duty to balance the procedural right of the litigant with its own duty to adjudicate the



litigation, ad to keep down the pendency, lest the Court might the accused of granting judicial patronage for creating delay in justice dispensation.

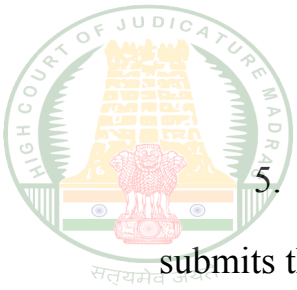
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6.2. In the backdrop of what is now stated, if this Court were to entertain this application at this belated hour, it may well become responsible for the potential delay which is waiting to halt the final disposal of the suit. Given the hierarchy of Courts through which this application may be routed, there is a threatening possibility of this case staying over in the docket of this Court for a couple of decades even. See: **Ram Prakash Gupta v. Rajiv Kumar Gupta and Others [(2007) 10 SCC 59]**.

7. If this applicant is keen to have him heard on the contents of his averments in the affidavit, he may to file his additional pleadings. Here, the learned counsel for the applicant formed the Court that this was once attempted when an application was filed in D.No.23448 of 2021 but that was rejected by this Court, vide its order dated 08.09.2021. This Court now, recalls the said order and revives D.No.23448 of 2021, and direct the applicant to represent the said application along with his additional pleadings within week from the date of receipt of copy of this Order. It need not be accompanied by any other application such as the one for condonation of delay in representing it etc. It is necessary that procedure is made simple, and fluid within the elastic limits of its functionality.

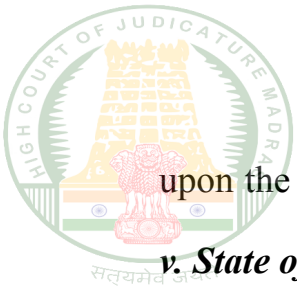
8. This application stands dismissed accordingly. The applicant/3rd defendant is required to face the trial.”

Aggrieved over the same, the 3rd defendant has preferred this present Original Side Appeal.



5. Mr.R.C.Paul Kanagaraj, learned counsel appearing for the appellant submits that the learned Single Judge has failed to consider the plaint averments and clever drafting has created the illusion of a cause of action against the appellant / 3rd defendant, whereas the learned Single Judge overlooked the fact that the appellant / 3rd defendant is not a commercial entity, but a public officer. Filing application for the rejection of plaint is a procedural right for legal remedy available to the appellant / 3rd defendant and denial of right by dismissing the application stating that trial was scheduled for 01.12.2021 has done great injustice to the appellant and it was erroneously assessed the victim as a perpetrator and vice versa, which is clear violation of the Principles of Natural Justice and smacked with malice.

6. Mr.P.R.Raman, learned Senior Counsel appearing for the 1st respondent / plaintiff would submit that rejection of plaint can be decided by the Court on the basis of the averments made in the plaint and filing of written statement by the contesting defendant is not necessary. Whether the plaint discloses any cause of action and the same has to be decided after going through the averments made in the plaint and the Court is not required to take into consideration the defence set up by the defendant in the written statement or other documents. There are several allegations levelled against the 3rd defendant in the plaint, there is no reason warrants interfere with the order of the learned Single Judge. The learned counsel for the first respondent / plaintiff has relied



upon the judgement of the Hon'ble Supreme Court in ***Saleem Bhai and Others v. State of Maharashtra and others [AIR 2003 SCC 759]*** to show that Order VII

Rule 11 CPC makes it clear that relevant facts which needs to be looked into for deciding the application therein or averments made in the plaint. In yet another judgment in ***N.Ravindran v. V.Ramachandran [AIR 2011 Madras 136]*** to show that whether plaint discloses any cause of action and whether it is barred by any law, the same has to be decided by looking at the averments contained in the plaint itself and the Court is not required to take into consideration the defence set up by the defendants in his written statement or other documents.

7. We have considered the rival submissions and perused the entire materials available on record.

8. It is seen from the affidavit filed in support of A.No.4559 of 2021 in C.S.No.185 of 2014, wherein it has been stated that the genesis of the Suit is based on a news item telecast by the defendants 1 and 2 and the 4th defendant has also joined in tirade against the plaintiff and had gone to the extent of stating that the plaintiff was summoned by the Tamil Nadu Police. Thus the cause of action is primarily based on the news item said to have been telecast by the defendants 1 and 2 and later joined by the 4th defendant. The so called news item has not been telecast from or within the jurisdiction of this Court. None of the other respondents / defendants are residing or carrying business within the



jurisdiction of this Court and there is no cause of action that would survive within the jurisdiction of this Court. It has also been stated that the very Suit is filed on the assumption that the appellant / 3rd defendant parted information of the investigation with the other defendants, these allegations are substantive and sufficient to file the Suit that too for a claim of damages. The appellant / 3rd defendant is a Public Servant as defined under Section 80 of Code of Civil Procedure, 1908 and he was not given any notice before filing of the above suit and he had discharged his duties as a Police Officer.

9. It has also been stated that the appellant / 3rd defendant was suspended from service and after detailed enquiry, he was given honourary acquittal on 20.12.2019 by the Special Court for Vigilance and Anti Corruption in C.C.No.9/2015 in CBCID 02/2013, which itself proves that the appellant / 3rd defendant is not in any way involved in any activity which is not within his service rules. It is the duty of the Police Officer to investigate thoroughly to find out the actual crime that has been committed and hence, he had to conduct a detailed investigation on various pattern in which the IPL tournaments was conducted. The appellant / 3rd defendant was discharging his duties as a Police Officer in conducting the enquiry and his Investigation Report are before the Committee appointed by the Hon'ble Supreme Court of India. Insofar as the allegations against the appellant / 3rd defendant to maintain the cause of action are wholly on surmises and are not true. The sting operation conducted by the



defendants 1 and 2 has been totally misinterpreted that the appellant / 3rd defendant had colluded with the other defendants with an intention to defame the fair name and reputation of the plaintiff. The plaint does not disclose any cause of action that would survive against the appellant / 3rd defendant and the cause of action in the present suit are all vague and imaginary.

10. At this juncture, it is relevant to refer to Order VII Rule 11 CPC, which reads hereunder:

“11.Rejection of Plaint. The plaint shall be rejected in the following cases:-

(a) Where it does not disclose a cause of action ;

(b) Where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;

(c) Where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp- paper within a time to be fixed by the Court, fails to do so;

(d) Where the suit appears from the statement in the plaint to be barred by any law;

(e) Where it is not filed in duplicate;

(f) Where the plaintiff fails to comply with the provisions of Rule 9.



Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any clause of an exceptional nature from correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.”

11. It is seen from the plaint that there are specific allegations / averments levelled against the appellant / 3rd defendant in paras 15, 17 and 26. In para 15 it has been stated that ***the acts of the defendants 1 to 4 tantamount top blatant scandal mongering and are per se defamatory as they seek to denigrate the plaintiff and destroy his impeccable reputation in the public estimation. The defendants have failed to abide by the minimum moral standards of ethics in journalism.*** In para 17 of the plaint it has been stated that ***the whole genesis of the defamatory materials as aired by the defendants 1, 2 and 4 is the alleged statement given by the said Kitty in his interrogation to defendant No.3. At any event, the bits and pieces of the conversation captured by the 1st defendant disclose that the 3rd defendant neither had the authority to record any statement nor was any statement of Kitty recorded. What was sent to higher officials was a note which was not even signed by the 3rd defendant, since he could take no responsibility for the contents thereof.*** In para 26 of the plaint it has been stated that ***the conspiracy is***



writ large by the fact that now even defendant No.3 stands suspended due to his relationships with the betting syndicate. It is not known as to why the other defendants 1, 2 and 4 are not properly reporting the said incident and showing the same enthusiasm which they displayed in maligning the plaintiff....”

12. It is relevant to cite the judgment of the Hon'ble Apex Court in ***Kusum Ignots v. Alloys Ltd. v. Union of India [2004 (3) CTC 365 (SC) : 2004 (6) SCC 254]*** wherein it was held as follows:

"6.Cause of action implies a right to sue. The material facts which are imperative for the suitor to allege and prove constitutes the cause of action. Cause of action is not defined in any statute. It has, however, been judicially interpreted inter alia to mean that every fact which would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the Court. Negatively put, it would mean that everything which, if not proved, gives the defendant an immediate right to judgment, would be part of cause of action. Its importance is beyond any doubt. For every action, there has to be a cause of action, if not, the plaint or the writ petition, as the case may be, shall be rejected summarily.

.....

9.Although in view of Section 141 of the Code of Civil Procedure the provisions thereof would not apply to a writ proceedings, the phraseology used in Section 20(c) of the Code of Civil Procedure and Clause (2) of Article 226, being in pari materia, the decisions of this Court rendered on interpretation of Section 20(c) of CPC shall apply to the writ proceedings also. Before proceeding to discuss the matter further it may be pointed out that the entire bundle of facts pleaded

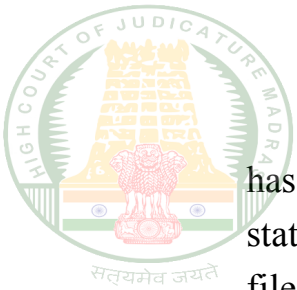


need not constitute a cause of action as what is necessary to be proved before the petitioner can obtain a decree is the material facts. The expression material facts is also known as integral facts."

13. While deciding the scope of Order VII Rule 11-A of the Civil Procedure Code on the issue of a plaint disclosing a cause of action, it has been held by the Honourable Apex Court in ***State of Orissa V. Klockner and Company and others (1996) 8 Supreme Court Cases 377*** as follows:

"25.Now coming to Special Leave Petition (C) No. 19846/95, this petition is filed against the judgment and order of the High Court of Orissa at Cuttack in First Appeal No. 14/95 dated 12.5.95. By the Order under appeal, the High Court has reversed the Order of the learned Subordinate Judge, Bhubaneswar dated 26.3.94, by which the learned Subordinate Judge accepting an application filed under Order 7 Rule 11 C.P.C., rejected the plaint in title suit No. 231/92 filed by the first respondent in Special Leave Petition. The learned Single Judge of the High Court while reversing the Order of the learned Subordinate Judge observed as follows:-

"In the present case on a fair reading of the petition filed by defendant No. 1 under Order 7, Rule 11 of C.P.C it is clear that the case of the applicant is that the plaintiff has no cause of action to file the suit. It is not specifically pleaded by the applicant that the plaint does not disclose any cause of action. The learned trial Judge has also not recorded any specific finding to this effect. From the discussions in the order it appears that the learned trial Judge has not maintained the distinction between the plea that there was no cause of action to the suit and the plea that the plaint does not disclose a cause of action. No specific reason or ground is stated in the order in support of the finding that the plaint is to be rejected under Order 7, Rule 11(a). From the averments in the plaint, it is clear that the plaintiff



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has pleaded a cause of action for filing the suit seeking the reliefs stated in it. That is not to say that the plaintiff has cause of action to file the suit for the reliefs sought that question is to be determined on the basis of materials (other than the plaint) which may be produced by the parties at appropriate stage in the suit. For the limited purpose of determining the question whether the suit is to be wiped out under Order 7, Rule 11(1) or not the averments in the plaint are only to be looked into. The position noted above is also clear from the petition filed by defendant No. 1 under Order 7, Rule 11 in which the thrust of the case pleaded is that on the stipulations in the agreement of 20.4.82 the plaintiff is not entitled to file a suit seeking any of the reliefs stated in the plaint."...

On the analysis and discussions in the foregoing paragraphs, it is my considered view that the order passed by the learned trial Judge rejecting the plaint under Order 7, Rule 11(a) and (d) of C.P.C. is unsustainable and has to be set aside. Accordingly the appeal is allowed and the order dated 26.3.1994 of the Civil Judge (Senior Division) Bhubaneswar in Misc. Case No. 75 of 1993 is set aside. There will be no order for costs of this Court."

14. Similarly, the Honourable Apex Court in ***Mayar (H.K.) Ltd., and others V. Owners & Parties, Vessel M.V. Fortune Express and Others. (2006) 3 Supreme Court Cases, 100*** has held as follows:

"12.From the aforesaid, it is apparent that the plaint cannot be rejected on the basis of the allegations made by the defendant in his written statement or in an application for rejection of the plaint. The Court has to read the entire plaint as a whole to find out whether it discloses a cause of action and if it does, then the plaint cannot be rejected by the Court exercising the powers under Order VII Rule 11 of the Code. Essentially, whether the plaint discloses a cause of



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action, is a question of fact which has to be gathered on the basis of the averments made in the plaint in its entirety taking those averments to be correct. A cause of action is a bundle of facts which are required to be proved for obtaining relief and for the said purpose, the material facts are required to be stated but not the evidence except in certain cases where the pleadings relied on are in regard to misrepresentation, fraud, wilful default, undue influence or of the same nature. So long as the plaint discloses some cause of action which requires determination by the court, mere fact that in the opinion of the Judge the plaintiff may not succeed cannot be a ground for rejection of the plaint. In the present case, the averments made in the plaint, as has been noticed by us, do disclose the cause of action and, therefore, the High Court has rightly said that the powers under Order VII Rule 11 of the Code cannot be exercised for rejection of the suit filed by the plaintiff-appellants."

15. In *Jageshwari Devi and Others V. Shatrughan Ram (2007) 15 Supreme Court Cases 52*, it has been held as follows:

"We have heard learned counsel for the parties. We have perused the order of the trial Court and of the High Court. We have also perused the plaint filed by the respondent herein. The main ground on which rejection of the plaint was sought was that the plaint does not disclose a cause of action which is a ground specified under Order 7 Rule 11 (a) CPC. The trial court on consideration of the averments in the plaint held, and in our view rightly, that it could not be held that the plaint does not disclose a cause of action. It is relevant to state that there is a difference between the non-disclosure of a cause of action and defective cause of action; while the former comes within the scope of Order 7 Rule 11, the latter is to be decided during trial of the suit. The contention raised on behalf of the appellant that the cause of action disclosed is vague and incomplete,



is not a ground for rejection of the plaint, under Order 7 Rule 11 of CPC, no exception can be taken to the order."

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16. It is well settled that a cause of action would constitute bundle of facts. It implies a right to sue. There is difference between a non-disclosure of cause of action and a defective cause of action. There is no difficulty in appreciating the position of law that an Application under Order 7, Rule 11 of C.P.C., would govern a case of non-disclosure of a cause of action. However, it does not govern a defective cause of action. A question as to whether a plaint deserves a cause of action is a question of fact, which has to be governed on the basis of the claims made therein in entirety. The Court has to take the averments as true and then apply its mind as to whether a Plaint discloses a cause of action or not. Order VII Rule 11 CPC makes it clear that relevant facts which needed to be looked into for deciding an application for rejection of the plaint, the contentions raised by the appellant / 3rd defendant cannot be considered in the application filed to reject the plaint.

17. Keeping in mind the above proposition of law, in the case on hand, we are of the view that on perusal of the averments made in the plaint, there are several allegations levelled against the appellant / 3rd defendant, which are sufficient enough to disclose the cause of action. The learned Single Judge, upon consideration of plaint averments, has also rightly dismissed the application and ordered that the appellant / 3rd defendant is required to face the



trial. In the light of the abovesaid pronouncements, we have no hesitation in holding that the plaint does disclose a cause of action and we find no infirmity in the order of the learned Single Judge warranting interference.

18. In the result, this Original Side Appeal stands dismissed, confirming the order dated 09.12.2021 made in A.No.4599 of 2021 in CS.No.185 of 2014. No costs. Consequently connected miscellaneous petition is dismissed.

[S.M.S., J.] [M.J.R., J.]
31.10.2025

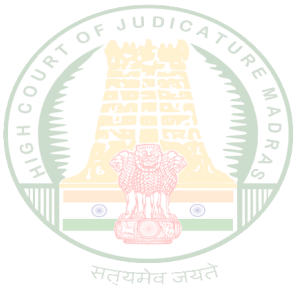
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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O.S.A.No.326 of 2025



**S.M.SUBRAMANIAM
AND
M.JOTHIRAMAN J.**

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**Judgment in
OSA.No.326 of 2025**

31.10.2025