

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 23-03-2026 ::: Pronounced on : 05.06.2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

**AS No. 971 of 2015
and M.P. No. 1 of 2015**

Sun TV Network Limited
Rep By its Authorized Signatory
73, MRC Nagar Main Road,
MRC Nagar, Chennai 600 028.
[Amended vide Court order dated
27.04.2022 made in CMP No. 7151 of
2022 in A.S. No. 971 of 2015]

..Appellant(s)

Vs

1. Ms. R. Sukanya
2. Mr. Rajagopal @ R.R.Gopal
3. Mr. Veerappan

..Respondent(s)

Amended vide court order dated 27.04.2022
made in CMP No.7151 of 2022 in AS
No.971 of 2015 (NMJ)

This Appeal against the judgment and decree dated 15.04.2015 in O.S. No. 6386 of 2011 (C.S.No. 562 of 1996) on the file of the learned XV Additional City Civil Judge, Chennai.

For Appellant(s):

Mr.R.Palaniandavan

For Respondent(s):

Mr.Perumpulavil Radhakrishnan-R1

Mr.P.T.Perumal – R2

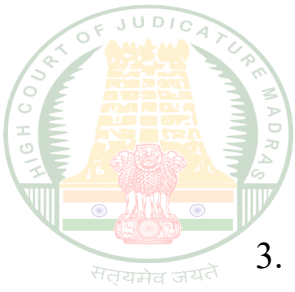
R3 - No More vide order dated 09/11/2021



J U D G M E N T

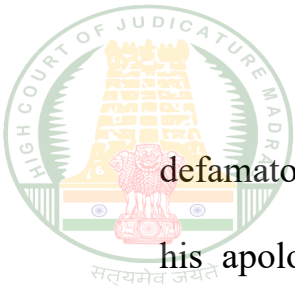
The Present appeal has been filed seeking to set aside the judgement and decree dated 15.04.2015 in O.S.No.6386 of 2011 (C.S.No.562 of 1996) passed by the learned Additional City Civil Judge -XV, Chennai.

2. The case of the plaintiff is that she is a talented and popular actress who has acted in several successful films across the four South Indian languages. The plaintiff had won several awards and accolades during the course of her career and had also earned a good reputation in society. The 1st defendant owns television channels, namely Sun TV, Sun Music, and Sun Movies, which telecast programmes viewed by people throughout the country as well as abroad. The 2nd defendant is the Editor of the Tamil weekly magazine “Nakkheeran”, published by Nakkheeran Publications. The 3rd defendant, on the other hand, is a proclaimed offender by the Governments of Tamil Nadu and Karnataka and is alleged to have been involved in heinous crimes such as abduction, murder of several persons, sandalwood smuggling, and other offences. According to the plaintiff, in April 1996, one of the most popular interview-based programmes telecasted by the 1st defendant, namely “Nerukku Ner” (“Face to Face”), featured an interview conducted by the 2nd defendant, wherein the 3rd defendant had made defamatory statements against the plaintiff.



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3. The aforesaid interview was shown on 17.04.1996, wherein the imputation made by the 3rd defendant was that the Plaintiff had an illicit relationship with the son of former Prime Minister Mr.P.V.Narashima Rao, which was allegedly videotaped and used by the former Chief Minister of Tamil Nadu Ms.J.Jayalalitha to strike a deal with the Congress Party before the general elections which was to held in April/May 1996. The defamatory statement clearly refers to the Plaintiff and it was so understood by the viewers. It was averred that the statement made by the 3rd defendant was offensive to Plaintiff's dignity and has lowered her image in the estimation of her friends, family and the general public of society. It was also contended that the act of the 1st and 2nd defendant deliberately refraining from removing or obliterating the defamatory statement, was purely malicious and reckless attempt to increase the viewership at the expense of the Plaintiff's dignity and reputation. Further it was contended that when certain expletives used by the 3rd defendant had been muted but the particular portion linking plaintiff name to the scandal had been deliberately retained despite its untrue nature. Due to the aforesaid defamatory statements made, not only the reputation of the Plaintiff has been lowered but she had also suffered losses and damages not less than the sum of Rs.1 crore but she had restricted her claim to a sum of Rs.10,00,500/-. When the Plaintiff had sent legal notices to the defendants, which were received by the defendants 1 and 2. The said defendants did not issue any reply and never denied the



defamatory nature of the Statements, but the 1st defendant alone had rendered his apology in its Special Issue of 'Kumudam', a Tamil Weekly journal in August 1996.

4. Therefore, the plaintiff had filed the civil suit in C.S.No.562 of 1996 before the High Court of Madras, which was subsequently transferred to the Principal City Civil Court, Chennai, on the ground of pecuniary jurisdiction, whereupon it was renumbered as the present suit. The suit was instituted seeking a direction against the defendants, jointly and severally, to pay a sum of Rs.10,00,500/- as damages towards the plaintiff and also seeking a decree of permanent injunction restraining the defendants, their men, agents, or anyone acting on their behalf from publicising, televising, or communicating, in any manner, either directly or indirectly, the interview given by the 3rd defendant

5. The 1st defendant had filed a written statement, in which he had averred that the present suit is not maintainable and the Plaintiff has no cause of action against the 1st defendant. The 2nd defendant had approached the 1st defendant to telecast his interview of the 3rd defendant and the 1st defendant only telecasted the said interview. It was contended that the 1st defendant had no intention on their part at any time to defame anyone. The defendant further asserted that at the very commencement of the Programme starts with a notice to the general public in unequivocal terms that the news, incidents, opinions and views of the



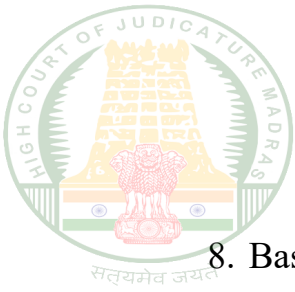
3rd defendant given in the interview belongs to him and that the 1st defendant was not responsible to its authenticity. It was further contended that when the aforesaid issue was brought to the notice of the 1st defendant by the Plaintiff, there was no hesitation on the part of the defendant to come out with an apology and the Plaintiff was also convinced with the explanation of the defendant. The defendant further clarified that the other than the telecast made on 17.04.1996, the 1st defendant did not cause any re-telecast of the said programme and there is no question of the 1st defendant giving rights to any other channel. Therefore it is contended that the 1st defendant is not responsible for the alleged defamation and hence the suit against the 1st defendant is not maintainable and seeks to dismiss the suit.

6. Further, the 2nd defendant had also filed a written statement, wherein it was averred that the 2nd defendant is the Editor and Publisher of “Nakkheeran”, a Tamil weekly journal published from Chennai, and that it had been engaged in the field of investigative journalism for nearly seven years. The 2nd defendant further averred that the 3rd defendant, who had been declared a proclaimed offender by the Governments of Tamil Nadu and Karnataka, had allegedly indulged in heinous crimes and had killed more than 120 persons, including police and forest officials and that the Government had reportedly spent nearly Rs.150 crores in their attempts to apprehend him. It was contended by the 2nd defendant that the object behind interviewing the 3rd defendant was to



investigate his activities, bring an end to his criminal operations and help the people, particularly the villagers residing along the border areas of the States of Tamil Nadu and Karnataka. According to the 2nd defendant, the interview was purely investigative journalism and there was no political motive behind the same. The 2nd defendant further averred that the interview was conducted extempore and that no questionnaire had been furnished to the 3rd defendant in advance. It was stated that every statement made by the 3rd defendant was spontaneous in nature and that the 2nd defendant had not posed any question, either directly or indirectly, suggesting the name of the plaintiff.

7. The 2nd defendant further contended that the plaintiff had neither specified the nature of the losses allegedly suffered by her due to the telecast, as claimed in the plaint, nor furnished any explanation regarding the alleged loss of reputation among her family members, friends, and the general public. It was also contended that the plaintiff had neither provided any detailed explanation as to how she had quantified the alleged loss and damages to a tune of Rs.1 crore and subsequently restricted the claim to Rs.10 lakhs nor the manner in which such loss had been monetarily assessed. The 2nd defendant further submitted that, under the terms and conditions of the telecast agreement entered into between the 1st and 2nd defendants, the 1st defendant had the authority to edit portions of the interview. Therefore, in view of the aforesaid facts and circumstances, the 2nd defendant sought dismissal of the suit.



8. Based upon the above pleadings made from both sides the learned Trial

Court had framed following issues and additional issues;

1. *Whether the specific allegations of alleged illicit relationship of the plaintiff with the son of the former Prime Minister, Mr.P.V.Narasimha Rao attributed to the third defendant as having been videotaped in the interview with the second defendant and telecast by the first defendant are not defamatory?*
2. *Whether the knowledge of publication of alleged defamatory material attributed to the friends and relatives of the Plaintiff is true?*
3. *Whether the second defendant had been actuated by malice and malafidemotive for eliciting the interview containing defamatory material against the Plaintiff?*
4. *Whether the non-production of the exact words of defamatory materials in the Plaint is fatal to the Plaintiff's case when the publication is not by print media but by a television channel?*
5. *Whether there is any element of reckless disregard to truth and whether the defendants have exercised due care and caution before publishing the article?*
6. *Whether the Plaintiff is entitled to damages and if so, to what amount and from whom?*
7. *To what other reliefs the plaintiff is entitled to?*



Additional Issues

1. *Whether there was an agreement between the 1st and 2nd defendant to telecast the interview of the 3rd defendant recorded by the 2nd defendant in the 1st defendant's Sun TV Satellite Channel ?*
2. *Whether the 1st defendant was given the right to edit objectionable portion in the interview of the 3rd defendant, such a way to defame anyone?*

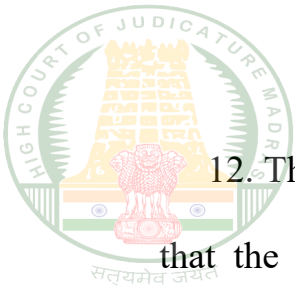
9. On the side of Plaintiff, the Plaintiff alone had been examined as PW1 and the sixteen documents were marked as Ex.A1 to Ex.A16 Plaintiff's side evidence. Whereas on the defendant's side the 1st defendant had alone been examined as DW1 and on the side of the 2nd defendant DW2 to DW5 were examined and 23 documents were marked as Ex.B1 to Ex.B23 as the documentary evidences.

10. The learned Trial court after hearing both the sides and perusing the materials available on record had decided the above said issues *vide* its judgement dated 15.04.2015. The learned Trial Court observed that it is not the case of the defendants 1 and 2 that the 3rd defendant had not stated any defamatory statement against the plaintiff in the interview taken by the 2nd defendant. The Trial Court held that the defamatory nature of the statements



made by the 3rd defendant during the interview had not been denied by defendants 1 and 2 and that the said interview had, in fact been telecasted by the 1st defendant, whose managing director then had subsequently also issued apology to the Plaintiff in a Tamil Weekly Journal called 'Kumudham'.

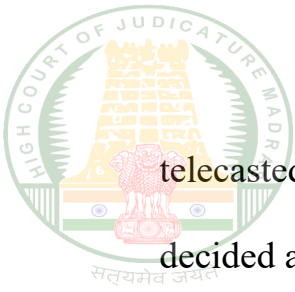
11. The learned Trial court also noted that according to the 2nd defendant the interview of the 3rd defendant was recorded by a full length of Nine hours and the videotape was edited by the 1st defendant to Four hours programme and was telecasted for 8 days on a slot of 30 minutes and the 1st defendant would have collected tariff for a commercial advertisement between the programme. The learned Trial Court upon the perusal of Ex.B23, which is the Agreement entered between the 1st and 2nd defendants along with above said fact, held that the defendants 1 and 2 had the knowledge about the defamatory reference made by the 3rd defendant against the plaintiff but still had decided to telecast the interview of the 3rd defendant which clearly shows the "ill will" and undoubtedly the wrongful gain acquired defendant by the way of telecast. Therefore the learned Trial Court held that the aforesaid 'ill will' of the defendants 1 and 2 alone is enough to come to a conclusion that the defendants had malice to publish defamatory statement made against the Plaintiff.



12. The learned Trial Court further denies the contention of the 2nd defendant that the Plaintiff being the public figure should ignore the criticism as the 2nd defendant himself in his written statement had specifically mentioned that the Plaintiff not being a public figure. The 2nd defendant who had pleaded that the Plaintiff not being a public figure cannot put forth an argument that the Plaintiff is a Public figure which is contrary and beyond his pleadings. Therefore the Trial Court held that the Plaintiff will fall under the definition of Public figure and hence her right of Privacy should be safeguarded.

13. The learned Trial Court had also held that a famous actress like the plaintiff need not examine any third-party witness to prove that her reputation had been tarnished due to the defamatory statements made by the 3rd defendant therein telecasted by the 1st defendant. The Court further held that, under Section 134 of the Indian Evidence Act, no particular number of witnesses is required to prove a fact and that the sole testimony of the plaintiff herself was sufficient to substantiate her claim.

14. Therefore in view of above the learned Trial Court had concluded the Issue Nos 1 to 5 as follows; The Trial Court had held that the specific allegation of the alleged illicit relationship of the Plaintiff with the son of former Prime Minister Shri.P.V.Narasimha Rao is attributed by the 3rd defendant and



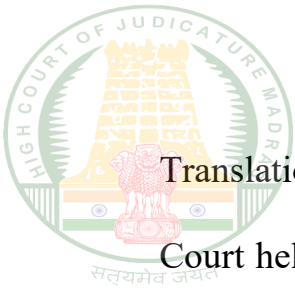
telecasted by the 1st defendant are indeed defamatory in nature and Issue No1 is decided accordingly.

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15. The learned Trial Court held that the evidence available through the deposition of the plaintiff, to the effect that her friends and relatives had distanced themselves from her and that the telecast made by the 1st defendant had tarnished her reputation, was sufficient to conclude that the defamatory publication or telecast had come to the knowledge of her friends and relatives. Accordingly, Issue No. 2 was decided in favour of the plaintiff.

16. Though the learned Trial court had concluded supra that the defendants 1 and 2 have acted with ill will, there is no evidence to show that the 2nd defendant actuated by malice and malafide motive against the Plaintiff. Hence it was held that the 2nd defendant had not been actuated by malice and malafide motive for eliciting the interview containing the defamatory materials against the Plaintiff and the Issue No.3 was answered accordingly.

17. As already discussed *supra* the publication or the telecast is admitted by the defendants 1 and 2 containing the defamatory statements of the 3rd defendant with regard to the Plaintiff. The Plaintiff have averred in the defamatory statements made against her by the 3rd defendant in English

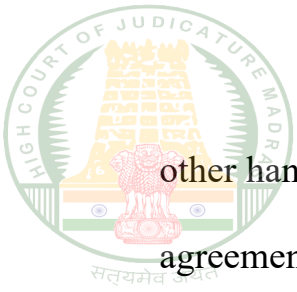


Translation without changing the meaning of the Statement. The learned Trial Court held the defamatory statement produced in English by the Plaintiff in the

Plaint does not change the meaning to the statement made by the 3rd defendant in Tamil. Hence non-production of the exact words of the defamatory material in the plaint is not fatal to the Plaintiff's case and therefore the Issue No.4 is decided accordingly.

18. Further the learned Trial Court had held that the defendants 1 and 2 have failed to exercise their duty with care and caution before telecasting the interview of the 3rd defendant and had televised the defamatory statement without ascertaining the fact and there is an element of reckless disregard to truth to which the defendants 1 and 2 are liable. Therefore the Issue No.5 is decided accordingly.

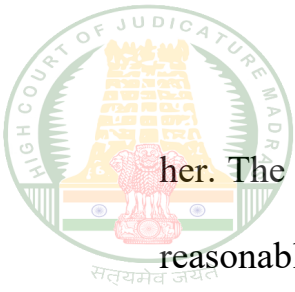
19. Insofar as Additional Issue Nos. 1 and 2 are concerned, as discussed *supra*, the 2nd defendant, who was examined as DW2, had marked the agreement entered into between the 1st and 2nd defendants with regard to the interview of the 3rd defendant, which was marked as Ex.B23. The learned Trial Court observed that, though the 1st defendant had consistently denied the existence of any such agreement between the 1st and 2nd defendants, a mere denial by the 1st defendant was not sufficient to accept its contention. On the



other hand, the 2nd defendant had categorically asserted the existence of the said agreement, namely Ex.B23, both in his written statement as well as in his deposition as DW2. Hence, upon perusal of Ex.B23, along with the deposition of DW2, the learned Trial Court held that there existed an agreement between the 1st and 2nd defendants for telecasting the interview of the 3rd defendant, and accordingly decided Additional Issue No. 1

20. The perusal of Ex.B23 clearly shows that the 1st defendant was given power to edit the any portion of the interview as stipulated under the Clause No.8 therein. Therefore the learned Trial Court had categorically held that the 1st defendant who had been given the right to edit the objectionable portion in the interview of the 3rd defendant purposely omitted to edit the portion knowing fully well that statement of the 3rd defendant is defamatory against the Plaintiff. Hence the Additional Issue No.2 was decided accordingly.

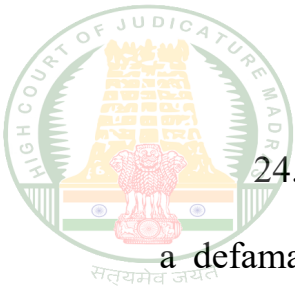
21. In respect of Issue Nos. 1 to 5 and Additional Issue Nos. 1 and 2, the learned Trial Court held that the relevant portion telecasted on 17.04.1996 by the 1st defendant television channel was highly defamatory towards the plaintiff, had affected her reputation and had also caused her mental agony. Therefore, the Trial Court concluded that the plaintiff had substantiated through her evidence, the loss of reputation, loss of income and mental agony suffered by



her. The learned Trial Court further found the claim made by the plaintiff to be reasonable and held that she was entitled to compensation towards loss of income. Accordingly, the Suit was decreed as prayed for, and Issue No. 6 was decided in favour of the plaintiff.

22. As far as the Issue No.7, is considered, the learned Trial Court decreed the suit in favour of the Plaintiff *vide* its judgement dated 15.04.2015 and directed the 1st defendant to pay a sum of Rs.10,00,500/- (Rupees Ten Lakhs and Five Hundred Only) to the Plaintiff as the damages. Further a decree of permanent Injunction is also granted in favour of the Plaintiff, restraining the 1st and 2nd defendant from televising or publishing the 3rd defendant's interview containing the defamatory statement against the Plaintiff. Further the 1st defendant was also directed to pay the cost of the suit to the Plaintiff. Aggrieved by the aforesaid judgment, the 1st defendant had filed the present appeal suit, wherein the plaintiff, along with the 2nd and 3rd defendants, were impleaded as respondents respectively.

23. Heard Mr.R.Palaniandavan, learned counsel for the appellant and Mr.Perumpulavil Radhakrishnan learned counsel for the first respondent and Mr.P.T.Perumal, learned counsel for the second respondent.



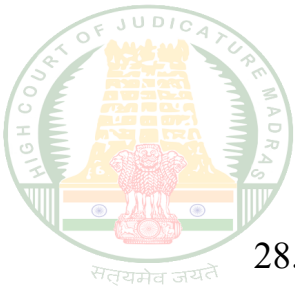
24. The learned counsel appearing for the appellant would submit that in a defamation suit filed by the first respondent, the first respondent had not proved her reputation and loss of such reputation to seek damages. He would submit that the Court below had presumed reputation and loss of reputation without any tangible evidence that had been placed before it. He would further submit that immediately on receipt of notice from the first respondent, the appellant had not retelecasted the said program, and had also issued a publication in a Tamil magazine expressing its regret for telecasting the said issue, and in that context, she would submit that the Court below had only erred in mulcting the liability for compensation on it. He would submit that it is an admitted fact that the second respondent had recorded an interview with the third respondent and the same had been telecasted in the appellant TV channel and therefore, the appellant is neither an originator nor a person, who was responsible for such an interview being recorded and he had only telecasted the same, at the request of the second respondent.

25. He would submit that the Court below had wholly misdirected itself firstly in holding that such statement is a present defamatory and malicious published by the appellant and the second respondent and further, fixed the liability on the appellant solely for payment of compensation towards the damages suffered by the first respondent.



26. He would further submit that the first respondent had not lost any reputation as it is also an admitted fact that she had further acted in about 65 films and also in the television programs, which were also broadcasted by the appellant. As the first respondent suffered a reputation, the appellant would not have taken the risk of telecasting the programs, in which the first respondent had performed. Hence, he would submit that the first respondent had neither proved her reputation nor loss of such reputation and therefore, she is not entitled for any damages as claimed by her.

27. Countering his arguments, Mr.Perumpulavil Radhakrishnan, learned counsel appearing for the first respondent, would contend that the reputation of the first respondent being an actress had also been admitted to by the appellant, as the appellant himself admits that the first respondent had acted in further movies and it had also telecasted programs in which the first respondent had performed. Therefore, there is no necessity to independently prove the reputation of the first respondent. He would further submit that it was the categorical case of the first respondent in her evidence that in view of the publication of the interview through the appellant channel the reputation that the first respondent enjoyed had been damaged, the relatives have kept away from her. In that context, he would submit when the relatives and friends have kept away from her, it is difficult for her to bring them to the Court to tender evidence on that issue.



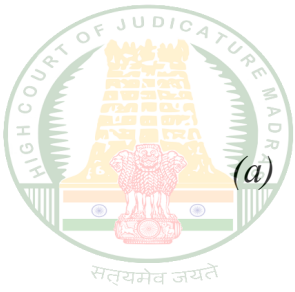
28. He would further submit that the first respondent itself had admitted to have issued publication of regret in a third party Tamil magazine, which itself would substantiate that there is an admission of a derogatory publication leading to defamation of the first respondent. He would draw the attention of this Court that the appellant could also be said to be malicious in making such a publication in his channel as he did not resort to issue such a regret in its channel which are viewed by its viewers, and rather had opted to make such a publication of regret in a third party magazine, which may not have the same subscription of the appellants. He would further sustain the findings of the Court below that the appellant was only liable to make the damages. He would submit that Ex.B23 had been produced by the second respondent and from the clauses which had been relied and extracted by the Court below, it could be seen that it is only the appellant, who retained its right to edit the program, to edit the videograph of the interview that he had conducted with the third respondent and in that context, he would submit that the appellant had no malicious intention to unjustly enrich himself, he could have contacted the first respondent of such statement found in the interview and thereafter, published the same. He would submit that having failed to take such curative steps, malice could only be attributed by the appellant as rightly held by the Court below. Hence, he prays this Court to dismiss the Appeal Suit.



29. The learned counsel for the second respondent would submit that even though the second respondent had not challenged the judgment and decree, he would submit that the findings of the trial Court with regard to a presumption of reputation and damage to such reputation is wholly unwarranted. In that context, he would support the submissions made by the learned counsel appearing on behalf of the appellant. On the other hand, he would submit that when he had approached the appellant with the interview, the appellant had called upon the second respondent to enter into an agreement under which the appellant had retained its right to edit, cut and reproduce the interview in its own way under Ex.B23, and therefore, the second respondent had any control over the telecast and it had made the same for its own benefit and hence, he would submit that the Court below had rightly held that it is only the appellant, who is the liable to pay the damages. He would submit that the findings of the trial Court on reputation and damages is interfered with as prayed for by the appellant, the question for compensation do not arise. Hence, he prays this Court to dismiss the Appeal Suit.

30. I have considered the submissions made by the respective counsels and perused the materials placed on record available on record.

31. The issue that is to be decided based upon the above pleadings and submissions are :-



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(a) *Whether the Court below was right in holding that the first respondent was entitled for damages for the defamatory publication made against her?*

(b) *Whether the Court below was right in fastening the liability to pay the damages by the appellant?*

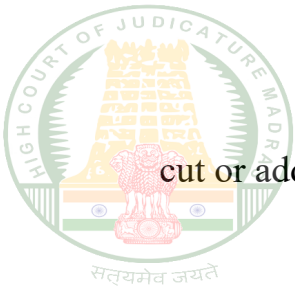
32. It is the claim of the appellant that the first respondent had not substantiated the reputation and damage to such reputation. From the admissions made by the appellant, particularly the first respondent had continued to act and that it had also telecasted ravaged programs in which there has been a performance of the first respondent, even after the incident itself speaks for the reputation of the first respondent and hence, in this context, this Court is of the view that there is no error in the trial Court finding that the reputation of the appellant had been substantiated by her own evidence. The loss of reputation follows a defamatory or derogatory statement. The Court had recorded a finding of facts that the first respondent had specifically deposed that there has been a loss of opportunities to act in films and that neither the appellant nor the second respondent had made any attempt in the cross-examination to discredit such a deposition made by the first respondent in her chief. Having failed to discredit the chief examination of the PW1 with regard to a claim of loss of reputation, the appellant cannot now be heard to say that the first respondent had failed to substantiate the loss of reputation. Further, it is



also an admitted fact that the appellant had made a publication in a Tamil magazine expressing its regret for publication of the interview. As rightly

pointed out by the learned counsel appearing for the first respondent, the appellant has also not taken any diligent steps to verify the contents of the interview either by seeking a clarification from the first respondent or making any investigation with other third parties before publishing the interview in his channel. This assumes importance in view of Ex.B23. Even though Ex.B23 was defined as rightly noted by the trial Court, the second defendant had filed a written statement placing much reliance on Ex.B23 and the appellant, who had filed a written statement after much delay, had not made any averments denying Ex.B23. Having reserved the right to edit, cut, delete or modify, alter and add any portion with an unrestricted right, it is the duty that is enjoined upon the appellant to verify the contents of the interview before its publication. In view of the aforesaid findings, I answer the issue against the appellant.

33. The second issue is that casting the liability on the appellant, the trial Court had heavily relied upon Ex.B23. Ex.B23 was an agreement that was entered between the appellant and the second respondent for broadcasting the interview. The trial Court had relied upon Clause 4 of Ex.B23 particularly to fasten the liability by holding that the appellant had been the beneficiary of various commercial advertisements during the telecast of the program. It had also noted the rights of the appellant under the agreement to specifically delete,



cut or add any portion in the episode with complete any unrestricted rights.

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34. Further as noted above coupled with the facts that there is no explanation on the side of the appellant as to why the regret has not published in its news channel and only in a third party Tamil daily, this Court do not find any infirmity with the reasoning given by the trial Court to fasten the liability to pay the compensation on the appellant.

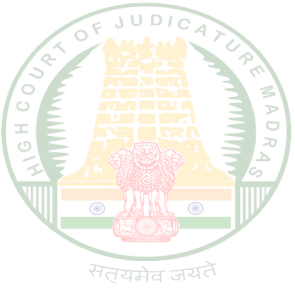
35. It is further to be noted that if such a regret been published in its own broadcast, it would have reached the very same viewer who would have viewed the publication it had made earlier. This itself would show malice on the part of the appellant in only opting to give a regret in a third party magazine, which was also not substantiated to have wider reach than its viewers.

36. For the aforesaid reasons, I do not find any merits in the Appeal Suit and accordingly, the Appeal Suit stands dismissed. No order as to costs. Consequently, connected miscellaneous petition is closed.

05-06-2026

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

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AS No. 971 of 2



K.KUMARESH BABU, J.

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To

The XV Additional City Civil Judge
Chennai.

AS No. 971 of 2015

Dated :05-06-2026