

Brahmanna Vs. Ramakrishnama and ors.

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Court : Chennai

Decided On : Dec-20-1894

Reported in : (1895)ILR18Mad250

Judge : Muttusami Ayyar and ;Best, JJ.

Appellant : Brahmanna

Respondent : Ramakrishnama and ors.

Judgement :

Muttusami Ayyar, J.

1. I do not think that this is a case in which we should depart from the rule that it is the person who is slandered that ought to sue. The plaintiff's wife is sui juris and she may sue for the slander. No other person is permitted to sue, because however closely he may be related to the person slandered and whatever pain of mind he may suffer from the slander of his relation, the injury caused to him is mediate or remote and not immediate or proximate. If the rule were otherwise, the defamer might be liable for as many actions as there are near relations of the persons defamed. It is said that the defamer's object was to vilify the plaintiff. But the slanderous words spoken do not impute any personal misconduct to him. They do not state that the plaintiff knew of his wife's want of chastity, and with that knowledge lived with her. The language used is consistent with plaintiff's relief in his wife's chastity. The object was no doubt to cause intense pain of mind to the

plaintiff, and to insult him in the heat of altercation, but it was part of that object to do it only by slandering his wife and children.

2. Suppose the wife brought an action against defendant, would it be a good defence to say that though she was the person slandered, it was intended only to insult her husband? If not, the rule that a slanderer should not be liable to as many actions as there are relations would be violated. I would follow the principle laid down in *Subbaiyar v. Kristnaiyar* I.L.R. 1 Mad. 383; *Luckumsey Rowji v. Hurbun Nursey* I.L.R. 5 Bom. 580 and *Daya v. Param Sukh* I.L.R. 11 All. 104 Setting aside the decrees of the lower Courts, I dismiss the suit; but, under the circumstances, there will be no order as to costs throughout.

Best, J.

3. Though most unwilling to disturb the decrees of the Courts below in this case, I am constrained to come to the conclusion that the authorities cited leave us no option and that the plaintiff's suit must fail. I concur, therefore, in the decree proposed by my learned colleague.

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