

(1890) 09 MAD CK 0012
In the Madras High Court

Leishman

APPELLANT

Vs

Holland

RESPONDENT

Date of Decision : 03-09-1890

Acts Referred:

Citation : (1891) ILR (Mad) 51

Hon'ble Judges : Shephard, J;Muttusami Ayyar, J

Bench : Division Bench

Judgement

1. This suit stands on an entirely different footing from that which has been prosecuted by the plaintiff against the company. Here the first question

is whether the statements complained of by the plaintiff, which, in themselves, are certainly defamatory, were made under circumstances conferring

on the defendant any privilege; and, secondly, it has to be seen whether they were made maliciously and with knowledge on the defendant's part

that they were false.

2. Agreeing with the Subordinate Judge, we are clearly of opinion that the statements were all in the nature of privileged communications, and that

the plaintiff has failed to prove that the defendant believed them to be untrue when he made them or acted maliciously in making them. We dismiss

the appeal with costs.