

# Defamation case against 'Messenger'

THE ISLAND 22/6/96

by  
**Varathasuntharam**  
Colombo Arch-  
bishop Rev. Nicholas  
Marcus Fernando and  
Rev. Fr. Bertram  
Dabrera, the first and  
the second defendants  
in a defamation suit  
against the newspaper  
"Messenger", a weekly  
publication of the  
Catholic church in Sri

Lanka has denied the  
averments in the plaint  
and sought an order that  
the case be rejected for  
it was not in conformity  
with imperative provi-  
sions of the Civil Pro-  
cedure Code and that  
the publication referred  
to is privileged.

In this case, a former  
public servant, Francis  
Pietersz has filed a suit

through Perera and  
Abeynaike claiming Rs.  
1,000,000 damages al-  
legedly for publishing  
an article defamatory of  
him in the 'Messenger'  
dated June 23, 1996.

The answers of the  
defendant priests filed  
by Prasanna  
Goonewardena and Co.,  
stated that there was no

cause of action set out  
against the 1st and the  
2nd defendants.

There is a misjoinder  
of defendants. The pro-  
prietor of the 'Messen-  
ger' is the Archbishop  
of Colombo who is a  
corporate body. The  
plaintiff cannot have  
and maintain the action  
against the 1st defend-  
ant.

The defendants are  
unaware of the aver-  
ments that the said arti-  
cle refer to the plaintiff.

The defendants deny  
the averments that the  
words published in the  
said article are per se  
defamatory. They deny  
the averment that the  
said article was pub-  
lished maliciously.

The defendants

pleaded that the plain-  
tiff's action be dis-  
missed.

M. H. P. Perera ap-  
peared for the plaintiff.

Romesh de Silva  
(PC) with Hiran de

Alwis instructed by  
Prasanna  
Goonewardena and Co.,  
appeared for the de-  
fendants.