

Defamation case against 'Messenger'

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
P r a s a n n a
Goonewardena and Co.,
appeared for the de-
fendants.