

1874

NILMADHUB  
MOOKERJEE

v.

DOOKEERIM  
KHOTTAH.

there only appears to have been one respondent, and the point was not decided.

*Cur. adv. vult.*

PONTIFEX, J.—I have looked at the English authorities cited by Mr. Kennedy, and have no doubt that the rule is that when a defendant is sued in England for verbal slander, he must be sued alone. If that had been a rule of procedure only, I should not have been bound to follow it here. But I think it is not only a rule of procedure but one of convenience founded on reason. Each person sued for verbal slander is responsible only for what he himself has uttered, and the plaintiff is not entitled to bring him before the Court while he is proving his case against another defendant for what the first defendant is not himself responsible. In libel, each person is liable for the entire publication, and therefore they may be properly sued together. As to whether the words complained of here are libellous *per se*, I must say I have doubts upon the matter, and I must give the plaintiff the benefit of those doubts. I therefore give the plaintiff leave to elect which of the defendants he will proceed against in this suit, and give him liberty to bring fresh suits against the other defendants whom he dismisses from this suit. Actions for verbal slander ought not in my opinion to be encouraged. Unless there are special damages proved, the Court will be very reluctant to give any damages. It is not necessary that the Court should give even nominal damages. It is for the plaintiff to consider whether he thinks it worth while to go on against any one of the defendants.

The Court on the application of Mr. Bonnerjee then granted permission to proceed against the third defendant. The plaintiff to pay the costs of this application (1).

Attorney for the plaintiff : Baboo *T. B. Chatterjee*.

Attorney for the defendants : Mr. *Remfry*.

(1) *Before Mr. Justice Phear.*

*The 15th March 1875.*

WOOZEERUNNISSA BIBEE v. SYED  
MAHOMED HOSSEIN AND OTHERS.

*Action for Slander—Misjoinder—  
Special Damages.*

An action for slander may be brought jointly against several defendants where the words spoken are not actionable *per se*, but only become so by reason of the special damage, which is the result of the conjunctive action of all the defendants.

THIS WAS A. 19. tion against seven  
defendants 523der.