

RULE/LA RÈGLE 26.02 (_____)

THE ORDER OF Assoc. Justice La Horey
L'ORDONNANCE DU
DATED/FAIT LE December 13, 2022

S.Riccio

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Date: 2023.02.09 15:26:09 -05'00'

REGISTRAR
SUPERIOR COURT OF JUSTICE

GREFFIER
COUR SUPÉRIEURE DE JUSTICE

Court File No.: CV-21-00673640-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

MUTHU PONNAMPALAM

Plaintiff

-and-

CANADA-KARAI CULTURAL ASSOCIATION aka CKCA, J/KARAINAGAR HINDU COLLEGE OLD STUDENTS ASSOCIATION-CANADA (FORMERLY KNOWN AS J/DR.A.THIYAGARAJAH MADYA MAHA VIDYALAYAM (KARAINAGAR HINDU COLLEGE) OLD STUDENTS ASSOCIATION-CANADA), AUSTRALIA KARAI CULTURAL ASSOCIATION INC, L'ASSOCIATION CARITATIVE KARAI FRANCE, KARAI WELFARE SOCIETY (UK), KANDIAH KANAGARAJAH, PARAMANANTHARAJAH THAMBYAYAH, BALACHANDRAN SABARATNAM aka SABARATNAM BALACHANDRAN, PIRABAHARAN PARAMALINGAM aka PIRAPAKARAN PARAMALINGAM, SRINAVASAJENDREN NAVARATNAM, KANAGASUNDARAM SIVAKUMARAN, BALACHANTHIREN GANESHAPILLAI aka GANESHAPILLAI BALACHANTHIREN, MYILANANTHAN PALANIYAANDI aka GANESH MYLVAGANAM, PARAMANATHAR THAVARAJAH, MURUGESU YOGARAJAH, JEEVAKANTHAN NADARAJAH, PANCHADCHARAM SIVANANTHARASA, THAMBIAHPILLAI SOTHILINGAM, and RAVITHASAN AMIRTHASINGAM

Defendants

AMENDED STATEMENT OF CLAIM

TO THE DEFENDANTS

LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service in this court office, **WITHIN TWENTY DAYS** after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date: December 13, 2021

"E-filed "

Signed per:

.....
Local registrar

Address of court office: 330 University Avenue
8th Floor
Toronto, ON
M5G 1R7
CANADA

TO: **CANADA-KARAI CULTURAL ASSOCIATION aka CKCA**
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AND TO: **J/KARAINAGAR HINDU COLLEGE OLD STUDENTS ASSOCIATION-CANADA
(FORMERLY KNOWN AS J/DR.A.THIYAGARAJAH MADYA MAHA
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AND TO: **PARAMANATHAR THAVARAJAH**
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AND TO: **RAVITHASAN AMIRTHASINGAM**

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CLAIM

- 1) The plaintiff claims as against the defendants, jointly and severally:
 - a) general damages in the sum of \$ 1,000,000 for damages, losses, expenses and costs as a result of the Conspiracy and acts taken in furtherance of the Conspiracy, intimidation and ~~the~~ interference in business interests and economic relations;
 - b) exemplary, punitive and aggravated damages in the amount of \$100,000;
 - c) Special damages in the amount of \$100,000;
 - c.i) a declaratory order that the defendants, or in the alternative, some eight or more of the defendants, conspired to injure the plaintiff;
 - c.ii) a declaratory order that the defendants interfered in the business interests and economic relations of the plaintiff;
 - d) with respect to individual defendants Mr.Kanagarajah, Mr.Thambyayah, Mr.Balachandran, Mr.Paramalingam, Mr.Navaratnam, Mr.Sivakumaran, Mr.Balachanthiren, Mr.Mylvaganam, Mr.Thavarajah and Mr.Sothilingam,
 - i. a declaratory order that the Defamatory Statements (as defined below) where they appear are defamatory of the plaintiff; and
 - ii. an interim and final mandatory order requiring the defendants to forever refrain from making or causing to make the Defamatory Statements or statements similar to them;
 - e) with respect to the individual defendant Mr.Thavarajah, a declaratory order that the removal of the plaintiff from the WhatsApp FORUM “News of New Path” was wrongful;

- f) with respect to the individual defendant Mr.Amirthasingam, a declaratory order that the removal of the plaintiff from the WhatsApp FORUM “Kalapoomy Education Development” was wrongful;
- g) with respect to the individual defendant Mr.Sivanantharasa, a declaratory order that the removal of the plaintiff from the WhatsApp FORUM “Karai Water-Land Scheme” was wrongful;
- h) with respect to the individual defendant Mr.Yogaraja, a declaratory order that the removal of the plaintiff from the WhatsApp FORUM “Karai Friends” was wrongful;
- i) with respect to the individual defendant Mr.Sothilingam, a declaratory order that the removal of the plaintiff from the WhatsApp FORUM “People and Life” was wrongful;
- i.i) with respect to the individual defendant Mr. Balachanthiren, a declaratory order that the defendant directly and through a third party harassed and intimidated the plaintiff.
- j) costs of this action on a substantial indemnity basis including HST;
- k) pre-judgment and post-judgment interest pursuant to the *Courts of Justice Act*; and
- l) such further and other relief as this Honourable Court deems just.

PARTIES

2) The plaintiff, Muthu Ponnampalam (the “**plaintiff**”), is a registered Professional Engineer and a member in good standing with the Professional Engineers of Ontario, entitled to engage in professional engineering practice in Ontario under the Professional Engineers Act., and a self-employed individual who resides in Ontario. He was born and brought up in Karainagar, an island off the coast of the northern tip of Sri Lanka, and an old student of J/Karainagar Hindu College (the “**KHC**”) who migrated from Karainagar 30 years ago.

3) The defendant Canada-Karai Cultural Association aka CKCA (the “CKCA”), bearing an Ontario Corporation Number 1100492, was is incorporated as a non-profit corporation on the 15th day of February 1995, under the laws of Ontario with its head office located in the City of Guelph for the objective, *inter alia*, promoting the Cultural, Social and Religious interests of the Karainagar Community resident in Canada and, any person above 18 years of age, nexus to Karainagar is entitled to the membership of CKCA, which has about 30 members according to the reports available, and operates a website found at www.karainagar.com.

4) The defendant, J/Karainagar Hindu College Old Students Association-Canada (Formerly known as J/Dr.A.Thiyagarajah Madya Maha Vidyalayam (Karainagar Hindu College) Old Students Association-Canada), bearing an Ontario Corporation Number 1838626, (the “OSA”), was is registered as a non-profit corporation incorporated on the 21st day of September 2012, under the laws of Ontario with its head office located in the City of Toronto for the objective, included, *inter alia*, to promote, foster and sustain feelings of attachment, gratitude, and reverence to the Alma Mater amongst the old students of their old school and to create a common bond, camaraderie, and togetherness amongst the old students of KHC, domiciled in Canada and U.S.A., through organized social and cultural events and activities. All old students, teachers, and other staff of KHC (By whatever the name KHC was called during their school days) and now domiciled in Canada and the U.S.A. are entitled to the membership.

5) The defendant, Australia Karai Cultural Association Inc. (“AKCA”), is an association incorporated on the 20th day of June 2007, under the laws of the Government of New South Wales (“NSW”) with its head office located in the City of Epping for, *inter alia*, promoting relationship among and well being of Karainagarans, on account of shared heritage and values and, any person above 18 years of age, nexus to Karainagar is entitled to the membership of AKCA. According to the public records available at Fair Trading at NSW Government, AKCA had about 31 members in the year 2015.

6) The defendant, L'Association Caritative Karai France (“**KWS-France**”), is an association with its head office located at 11, rue Georges-Magnier, 93120 La Courneuve, France, and registered under the laws of France on the 29th day of May 2006 and bears a declaration number W931000379 to promote, sponsor and support development in education, health and other development and support projects in Karainagar (Sri Lanka).

7) The defendant, Karai Welfare Society (UK) (“**KWS (UK)**”) is an unincorporated association with its head office located in the City of London in the United Kingdom, and registered on the 23rd of October 2008 with the Charity Commission for England and Wales and Recognised by HM Revenue & Customs in the UK, a non-ministerial department, for receiving gift aid on behalf of CKCA, AKCA, and KWS-France. The KWS (UK) membership is open to individuals over eighteen or organizations the Trustees approve. defendants CKCA, AKCA, OSA and KWS-France indirectly receives gift aid from HM Revenue & Customs in the UK through KWS (UK) for the donations raised from the public in Canada, Australia and France. According to the public records available at Charity Commission for England and Wales, KWS (UK) has about 16 members.

8) The defendant, Mr.Kandiah Kanagarajah, also known as Ken or Kanex (“**Mr.Kanagarajah**”), is an individual migrant from Karainagar who is a Chartered Professional Accountant, residing in the City of Mississauga, Ontario and one of the directing and controlling minds of CKCA.

9) The defendant, Mr.Paramanantharajah Thambyayah (“**Mr.Thambyayah**”), is an individual migrant from Karainagar who is a Chartered Professional Accountant, residing in the City of Richmond Hill, Ontario and one of the directing and controlling minds of CKCA and AKCA.

10) The defendant, Balachandran Sabaratnam aka Mr.Sabaratham Balachandran

(“**Mr.Balachandran**”), is an individual migrant from Karainagar who resides in the City of Scarborough, Ontario and is one of the directing and controlling minds of the CKCA and KWS (UK).

11) The defendant, Mr.Pirabaharan Paramalingam aka Pirapakaran Paramalingam (“**Mr.Paramalingam**”), is an individual migrant from Karainagar who resides in ~~Etobicoke~~ Brampton, Ontario and is one of the directing and controlling minds of CKCA.

12) The defendant, Mr.Srinavasajendren Navaratnam, also known as Saagie (“**Mr.Navaratnam**”), is an individual migrant from Karainagar who is a registered Professional Engineer carrying on business in the City of Scarborough, Ontario and one of the directing and controlling minds of CKCA.

13) The defendant, Mr.Kanagasundaram Sivakumaran (“**Mr.Sivakumaran**”), is an individual migrant from Karainagar who resides in the City of Scarborough, Ontario and is one of the directing and controlling minds of CKCA, OSA and KWS (UK), and the author, publisher and registrant of the website with the domain name www.karaihinducanada.com.

14) The defendant, Mr.Balachanthiren Ganeshapillai aka Ganeshapillai Balachanthiren (“**Mr.Balachanthiren**”), is a Sri Lankan Politician and an individual migrant from Karainagar who is residing in the Province of Ontario ~~Ottawa~~ and the Member of CKCA, an elected Member of Karainagar Divisional Council (Karainagar Pradesha Sabhai, is a local government in Sri Lanka), and one of the directing and controlling minds of CKCA and KDS. He was also a former member and one of the organizers of the United National Party, then ruling party of the Government of Sri Lanka (“UNP”) and the current member of the Lanka Tamil State Party, a federal party known as Illankai Tamil Arasu Kachchi.

15) The defendant Mr.Myilananthan Palaniyaandi, also known as Ganesh Mylvaganam (“**Mr.Mylvaganam**”), is an individual migrant from Karainagar who resides in France and one of the directing and controlling minds of KWS-France.

16) The defendant, Mr.Paramanathar Thavarajah, also known as Kumar (“**Mr.Thavarajah**”), is an individual migrant from Karainagar who resides in the city of Milton Keynes in the United Kingdom, carries his business in Ontario remotely and through defendants CKCA and OSA and, is the host of the 112 members’ WhatsApp Forum known as “News of New Path” that includes participants in Ontario and one of the directing and controlling minds of KWS (UK).

17) The defendant, Mr.Murugesu Yogarajah, also known as Yogan (“**Mr.Yogarajah**”), is an individual migrant from Karainagar who resides in the city of Middlesex in the United Kingdom carries his business in Ontario remotely and through defendants CKCA and OSA and is the host of the 220 members’ WhatsApp Forum known as “Karai Friends” (English translation of Tamil) that includes participants in Ontario and one of the directing and controlling minds of KWS (UK).

18) The defendant, Mr.Jeevakanthan Nadarajah, also known as Jeevan (“**Mr.Nadarajah**”), is an individual migrant from Karainagar who resides in the city of London in the United Kingdom, carries his business in Ontario remotely, and through defendants CKCA and OSA is one of the directing and controlling minds of KWS (UK).

19) The defendant, Mr.Sivanantharasa Panchadcharam aka Panchadcharam Sivanantharasa, also known as Nanthan (“**Mr.Sivanantharasa**”), is an individual migrant from Karainagar who resides in the city of Reading in the United Kingdom carries his business in Ontario remotely and through defendants CKCA and OSA and is the host of the 214 members’ WhatsApp Forum known as “Karai

Water-Land Scheme” (English translation of Tamil) that includes participants in Ontario and one of the directing and controlling minds of KWS (UK).

20) The defendant, Mr.Thambiahpillai Sothilingam (“**Mr.Sothilingam**”), is an individual migrant from Karainagar who resides in London in the United Kingdom, carries on business in Ontario remotely and, is the host of the 174 members’ WhatsApp Forum known as “People and Life” (English translation of Tamil) that includes participants in Ontario and an independent propagandist for Mr. Thavarajah and KWS (UK).

21) The defendant, Mr.Ravithasan Amirthasingam aka Ravi (“**Mr.Amirthasingam**”), is an individual migrant from Karainagar who resides in the city of Girraween, Australia, carries on business in Ontario remotely and through the defendants CKCA and OSA and, is the host of the 94 members’ WhatsApp Forum known as “Kalapoomy Education Development” (English translation of Tamil) that includes participants in Ontario, and one of the directing and controlling minds of AKCA.

22) The plaintiff and the defendants Mr.Kanagarajah, Mr.Thambyayah, Mr.Balachandran, Mr.Paramalingam, Mr.Navaratnam, Mr.Sivakumaran and Mr.Balachanthiren are members of Ontario’s Tamil Community in particular, and the parties are members of the Global Karainagar Community, in general.

THE PURPOSE OF THE CONSPIRACY

23) The plaintiff states that the defendants, or in the alternative, some eight or more of the defendants, entered into an unlawful conspiracy, scheme, arrangement or agreement (the “**Conspiracy**”). Whether Mr.Balachandran was instructing the other defendants or not, the defendants were at all times collectively and individually acting in pursuit of a common design, and they all had the same objectives

in mind that to cause harm to the plaintiff.

23.1) Further, the plaintiff states that at all material times to the Conspiracy, the defendants operate in a small clique in their own name and several other names, *inter alia*, Australia Karai Cultural Association Inc. (the “AKCA”), L'Association Caritative Karai France aka Karai Welfare Society-France (the “KWS-France”), Karai Welfare Society (UK) (the “KWS (UK)”), The Karai Union of Malaya (the “KUM”), Karainagar Abiviruththi Sabai aka Karainagar Development Society (the “KDS”), Swiss-Karai Abiviruththi Sabai aka Swiss Karai Development Board (the “SKDB”), Saiva Sidhdhantha Manram, Canada (the “SSM-Canada”), Canada-Karai Welfare Society (the “CKWS”) and Canada Karai Nalanpurich Sangam (the “CKNS”).

24) Further, the plaintiff states that the predominant purpose of the Conspiracy is to coerce, convince, persuade or force the plaintiff to remain in and subject to the rules, regulations and control of the defendants and to cause the plaintiff to refrain from exercising his legal rights to make a complaint against the defendants and to suggest a remedy for any of their misconduct or non-compliance with the laws and its regulations.

25) Further or in the alternative, the plaintiff states that the furtherance of the Conspiracy is to drive the plaintiff out of the Community, that is, out of his Engineering Practice and services within his own Karainagar Community, in particular, the Tamil community at large. They used unlawful means (oppression and breach of Corporations Act., Corporations Information Act., rules under Chartered Professional Accountants of Ontario Code of Professional Conduct, Regulation 941 under the *Professional Engineers Act.*, and their Associations’ by-laws) in circumstances where they knew or should have known that damage to the plaintiff was likely to result, and as the defendants desired, their conduct caused plaintiff damages.

26) Furthermore or in the further alternative, the plaintiff states that the furtherance of the Conspiracy is too indirect, collateral, and improper purposes, *inter alia*, to pressure the plaintiff from publicly expressing his thoughts, beliefs and opinions concerning the defendants, particularly CKCA, OSA, AKCA, KWS- France, SKDB, KUM, KDS, SSM-Canada, CKWS, CKNS and KWS (UK) (collectively “**Associations**”), and the Directors/Officers of the Associations, a fundamental right guaranteed by section 2(b) of the Canadian Charter of Rights and Freedoms, and to exert pressure on the plaintiff so that the plaintiff would not publicly oppose the improper and unlawful conducts of the defendants, *inter alia*,

1. the defendants Mr.Thambyayah and Mr.Balachandran, operated a “secret society” at all material times, based on the group of people listed as directors/officers on internal documentation of CKCA that are not listed as directors/officers on the Ontario Business Information Systems (the “ONBIS”) a public register, which was maintained and managed by Mr. Thambyayah and Mr. Balachandran at all material time;
2. CKCA issued duplicate donation receipts to the donors;
3. The defendants, Mr.Thambyayah and Mr.Kanagarajah approved unsecured loans that the plaintiff had questions with, including payments made to an entity that did not exist. More specifically:
 - a. As of May 10, 2015, Mr.Thambyayah had responsibility for the approval and disbursement of approximately \$118,000 from the CKCA to an organization in Sri Lanka, the Karainagar Development Society (“KDS”), which the KDS provided promissory notes to CKCA for Sri Lankan Rupee 11,000,000. May 10, 2015, audited financial statements of CKCA do not show promissory notes that are receivable from KDS. Neither Mr.Thambyayah nor Mr.Kanagarajah is able to provide a reconciliation of these funds to the plaintiff. The defendant Mr.Balachanthiren, indirectly obtained the unsecured loan from the CKCA trust account.
 - b. Further, in May 2015, approximately \$52,000 of payments were made to an organization named KASANS TRADING COMPANY that did not exist at the time,

which Mr.Thambyayah authorized. The entity is not to have existed until June 6, 2018, based on the Business Name Report obtained from the Ministry of Government Services.

- c. On or about August 30, 2013, CKCA sought donations for the Balagowri Medical Fund (“BMF”). The BMF has not been accounted for, based on the audited financial statements as of May 10, 2015.
4. CKCA raised funds from the public since 1989, but failed to file the annual return to Canada Revenue Agency (“CRA”) for several years;
5. The defendant Mr.Sivakumaran operated a “secret society” at all material times, based on the group of people listed as directors/officers on internal documentation of OSA that are not listed as directors/officers on the Ontario Business Information Systems (the “ONBIS”) a public register, which was maintained and managed by Mr.Sivakumaran at all material time;
6. OSA raised funds in Ontario and purchased land in Sri Lanka to benefit the Sri Lankan armed forces. Further, engineering projects, particularly water retaining structures, were carried out by the Associations without proper engineering design, supervision and/or approval from the local authorities; as a result, it caused damages in Karainagar, but the Associations concealed the incidents with local political power in Sri Lanka and escaped from their liabilities;
7. Associations made duplicated claims in their financial reports and misappropriated their funds, including, *inter alia*,
 - a. CKCA Financial Report as of May 10, 2015, showed expenses for Sadaiyalee pond, and the KWS (UK) Financial Report as of March 31, 2015, also showed payment for the same;
 - b. the funds raised by the Associations through social media were not reported in their annual Financial Statements;
 - c. the funds were inappropriately paid to a few of the committee member’s friends and their family members, including, *inter alia*,

- i. one of the officers/directors of CKCA indirectly transferred \$ 3,098.95 from the CKCA trust account to his friend Mr.Selvarajah Velauthapillai;
- ii. Mr.Yogarajah directly transferred £ 226.00 from the KWS (UK) trust account to his account;
- iii. Mr.Nadarajah directly transferred £ 630.00 from the KWS (UK) trust account to his own business Everyday Stationery Ltd.'s account;
- iv. Mr.Balachanthiren indirectly received funds from the CKCA trust account for his political campaigns in Sri Lanka and transformed the CKCA into a political arena for his political gain;
- v. inappropriately transferred several thousand sterling pounds from KWS (UK) trust account to Global money transfer; and
- vi. inappropriately transferred several thousand dollars from the CKCA trust account to Kasans Trading Company,

are a few examples.

THE OVERT ACTS BY THE DEFENDANTS

27) In pursuance and furtherance of the Conspiracy, defendant Mr.Kanagarajah made statements in his letter dated March 31, 2017, to the Director of Standards Enforcement of Chartered Professional Accountants of Ontario (“CPA Ontario”), that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

It is Muthu who took CKCA to courts on a frivolous matter and it was thrown out by court during Ravi’s term.

Out of those who generously contributed the funds \$ 116,935 as stated in 5 of 7-1A, none has any questions but this complainant Arul and Muthu. It implies they have not contributed but has concerns.

Muthu, in my gut, is the architect of the complaint. After all, he is a qualified engineer as well.

I am concerned with the credibility of Muthu.

- 28) The words are capable of and refer to the plaintiff.

- 29) The natural and ordinary meaning of the words is that:
 - a) court found the plaintiff's action against CKCA on its face to be frivolous and dismissed;
 - b) the plaintiff did not make financial contribution to CKCA;
 - c) there is something false or fake about the practice by the plaintiff of his profession; and
 - d) the plaintiff is not a credible person.

- 30) In the alternative, the plaintiff pleads by way of legal innuendo that the words meant and were understood to mean that:
 - a) court found the plaintiff's action against CKCA on its face to be frivolous and dismissed;
 - b) the plaintiff did not make financial contribution to CKCA;
 - c) there is something false or fake about the practice by the plaintiff of his profession; and
 - d) the plaintiff is not a credible person.

- 31) Particulars are as follows:
 - a) the plaintiff never brought a frivolous lawsuit against CKCA or any other parties;
 - b) in the past plaintiff made donations to CKCA by cash and cheques payable to CKCA;
 - c) the plaintiff is a Professional Engineer and a member in good standing with the Professional Engineers of Ontario and it is the duty of the plaintiff to the public and to act at all times with, devotion to high ideals of personal honour and professional integrity;
 - d) the plaintiff never had any criminal record or allegation of any criminal or fraudulent activities of any kind whatsoever;

e) in the past some two or more of the CKCA members contacted the CPA Ontario concerning the professional conduct of Mr.Kanagarajah, and after a review, the Professional Conduct Committee of CPA Ontario determined that it was appropriate to provide guidance and advice to Mr.Kanagarajah with respect to the requirement under the following rules under CPA Code of Professional Conduct (the “Code”):

- Rule 101, which requires a member to comply with the by-laws, regulations and the CPA Code of Professional Conduct (the Code (at the time, Rules of Professional Conduct)) of CPA Ontario, including:
 - By-law 10.1 and Regulation 10-1 (at the time, Bylaw 4.1.17 and Regulation 4-6), which prohibit a member from engaging in the practice of public accounting or providing accounting services to the public except through a firm that has been registered with CPA Ontario in accordance with the by-laws and regulations;
 - By-law 14.1 and Regulation 14-1 (at the time, Bylaw 4.13, Regulation 4-4), which require a member engaged in the practice of public accounting or provision of accounting services to the public to maintain professional liability insurance; and
 - By-law 17.1.2 and Regulation 17-1 (at the time, Bylaw 9.2 and Regulation 9-1), which prohibit a member from engaging in the practice of public accounting without holding a valid and current public accounting licence (PAL).

32) In pursuance and furtherance of the Conspiracy, the defendants Mr.Kanagarajah, Mr.Paramalingam, Mr.Sivakumaran and Mr.Navaratnam made statements at the World Saiva Mission building in Scarborough, on or about July 9, 2017, before a meeting of approximately 40 members of CKCA, some of whom also are the members of OSA, the following (English language translation pleaded herein is an accurate translation of the original statements spoken in Tamil) defamatory statements unequivocally identifying and concerning the plaintiff:

Mr.Kanagarajah: Muthu Ponnampalam told to CPA. He is the Architect of the CPA letter.

Mr.Paramalingam: If Mayooran Velayuthampillai associate with this person [Muthu Ponnampalam], so do we need Mayooran

Velayuthampillai in CKCA.

Mr.Sivakumaran: I do not object to the lifting of the ban on others, but I do't agree in the case of the two. I mean, I do not agree with those who complained to the CPA and those who made them to complain. We should treat them as poisonous snakes, in our community, and they have to be casted out from the society. Those two and the one who is behind them.

Mr.Paramalingam: Yes 100% [applause] I support that.

Mr.Balachandran: About other, two people [Mr. Arulselvan and Mr. Thirukkumaran Ganeshan] I agree with what Mr. Sivakumaran said, I don't want to bring them back. Taking action against the Association or its Administrative committee members is wrong. Even if the committee member do anything wrong, that must be tolerated and you have to accept whatever we do because you are the one who selected us.

Mr.Navaratnam: I also receiving personal attacks from the same group. I don't pick up the phone.....How many calls came from Muthu, just now. Did I tell you..?... we need to set up a legal fund, in case he goes to Court.

33) The words are capable of and refer to the plaintiff.

34) The natural and ordinary meaning of the words is that the plaintiff:

- a) is an untouchable and should be casted out of the society;
- b) operates a secrete society;
- c) makes threatening phone calls;
- d) engages in threatening behavior; and
- e) attacks Mr.Navaratnam personally.

35) In the alternative, the plaintiff pleads by way of legal innuendo that the words meant and were understood to mean that the plaintiff:

- a) is an untouchable and should be casted out of the society;

- b) operates a secrete society;
- c) makes threatening phone calls;
- d) engages in threatening behavior; and
- e) attacks Mr.Navaratnam personally.

36) Particulars are as follows:

- a) the plaintiff never involved in unlawful secrete activities or took part in any secrete societies of any kind whatsoever;
- b) the plaintiff did not make phone calls to threaten or personally attacked the defendant Mr.Navaratnam at any time whatsoever; and
- c) in the past, the defendant Mr.Navaratnam employed the plaintiff to perform structural analysis and design for the projects that included, *inter alia*, B'nai Birth Residential Care Facility, Wal-Mart Canada Corp Hamilton Facility and few other projects in North Bay. After the completion of the assigned design works, the plaintiff attempted to contact Mr.Navaratnam concerning the payment (wages), but he never arrange the payment for the engineering service received from the plaintiff or picked up the plaintiff's phone call at all, but one time a kid answered the phone and advised the plaintiff that his dad was busy;
- d) Mr.Navaratnam took the credit for the plaintiff's professional engineering work provided for his business without paying the plaintiff a compensation which appears to the plaintiff that amounting to professional misconduct as defined by section 77(7)(v) of Regulation 941 under the *Professional Engineers Act.*, that states: "*A practitioner shall, give proper credit for engineering work, uphold the principle of adequate compensation for engineering work, provide opportunity for professional development and advancement of*

the practitioner's associates and subordinates, and extend the effectiveness of the profession through the interchange of engineering information and experience.”

e) Mr.Kanagarajah, Mr.Paramalingam, Mr.Sivakumaran, Mr.Balachandran and Mr. Navaratnam maliciously made the complained defamatory statements concerning the plaintiff, with bad faith to injure the plaintiff financially, emotionally and spiritually in his career, profession and economic interests by damaging the professional reputation of the plaintiff.

37) The defendant Mr.Thambyayah made statements in his letter dated September 24, 2017, to the Director of Standards Enforcement of CPA Ontario that included the following statements:

Thirukkumaran Ganesjan is a suspended member of Canada-Karai Cultural Association (CKCA). Please see the CKCA committee letter in Exhibit 1. Mr.Thirukkumaran Ganesjan is not a member of the CKCA in 2017. His membership was suspended by the previous CKCA committee and the members of the CKCA at the annual general meeting on May 21, 2017. The reason for his suspension was his history of giving false information to the public regarding CKCA. *[Emphasis appears in the original text]*

Mr.Arulselvam Rasiah and Mr.Thirukkumaran Ganeshan were suspended by CKCA members during the annual general meeting on May 21, 2017. The reason for his suspension was his history of giving false information to the public regarding CKCA.

Mr.Thirukkumaran Ganeshan is not a good standing member. He is not a member & he is suspended on the May 21, 2017 annual meeting by the CKCA members.

Mr.Thirukkumaran Ganeshan was one of the 19 members in the committee & he resigned after dispute with the committee on school funding in May 2014.

On December 7, 2014 general meeting CKCA members passed the resolution to send money to schools in Karainagar, Sri Lanka. CKCA committee & patron committee were the at the General meeting with the members to vote for the resolution. 46 members approved the resolution & 23 members vote against the resolution. Therefore the majority approved the school funding. We used Kasans Trading to send the money to Sri Lanka. The CKCA executive committee gave checks to Kasans Trading but Kasans trading deposited the most checks on May 4&5, 2015 in the bank.

Kasans Trading is registered with FINTRAC & do qualify to do banking business in Canada. CKCA was using Kasans Trading to send money to Sri Lanka from 1995. Kasans Trading owner was the former president of CKCA. CKCA executive decided to send 1 million rupees for school for 12 schools which was approved in the General meeting.

38) In the past, some two or more of the CKCA members contacted the CPA Ontario concerning the professional conduct of Mr.Thambyayah. As a result, Mr.Thambyayah unlawfully caused to suspend the CKCA membership of the complainants alleging that the members had association with the plaintiff which appears to the plaintiff that amounting to professional misconduct as defined by rules 105.2 under CPA Code of Professional Conduct (the “Code”) that states: “*A member or firm shall not threaten or intimidate a complainant, witness, or any other person related to a regulatory matter of CPA Ontario nor shall a member or firm threaten or intimidate officers, staff, volunteers or agents acting on behalf of CPA Ontario.*”

39) In pursuance and furtherance of the Conspiracy, the Associations and the individual defendants Mr.Kanagarajah, Mr.Thambyayah, Mr.Balachandran, Mr.Paramalingam, Mr.Navaratnam, Mr.Sivakumaran, Mr.Balachanthiren, and Mr.Mylvaganam had, with the purpose of injuring the plaintiff, sponsored a persistent campaign of vilification and intrusion on seclusion against the plaintiff, caused public disclosure of private facts of the plaintiff, as set out below, placed the plaintiff in a false light and caused the plaintiff distress, humiliation and anguish, by a third party website and Facebook postings including, *inter alia*, the following publications:

- a) On or about March 19, 2016, a web posting found at www.karainews.com/March2016News that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

The graduate Madhana Mutha has created a situation where many committee members have to speak with their mouth shut.

In total "Group of Fools" will be grandly released under the leadership of the university graduate Madhana Mutha.

The time approaches that, the incidents from the day one to the present should come out with evidences showcasing the adventures of Madhana Mutha on how to plunder the community and put it in the rice pot...!

- b) On or about May 10, 2016, a web posting found at www.karainews.com/AllAboutCKCA2016May that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

A legal action has been taken against the Association by a resident of Karainagar (Mr.Muthu Ponnampalam) in connection with a Facebook matter. The one who took the legal action demanded only that; what is the necessity for the association to make a resident of Karainagar to be depressed and caused pain using the Facebook page that belongs to the Association, and by whom this decision had been taken.

- c) On or about July 24, 2016, a web posting entitled "*Burning a single time is enough for a good bull...!*" found at www.karainews.com/CKCA2016JulyAugust that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

Prince Mr. Mayooran Velayuthampillai crowned as committee member of CANADA-KARAI CULTURAL ASSOCIATION (CKCA) earlier and Mr. Muthuthambipillai Ponnampalam who sued against CKCA at Small Claim Court, failed and received a verdict to pay 350 dollars to CKCA as fine; both jointly distributed pamphlets against the CKCA administration. A pamphlet was distributed today 24.07.2016 with the signature of Mr. Mayooran Velayuthampillai and Mr. Muthuthambipillai Ponnampalam for contact. They claim that, eleven million Rupees given to the primary schools by the CKCA is against law and these both are going to "Fix" that and to do that, they would take the administrative activities of CKCA in their hands and summon the Karainagar people living in Canada...! [note: the word "Fix" appears in the English language in the original].

- d) On or about August 1, 2016, a web posting found at www.karainews.com/CKCA2016JulyAugust that included the following defamatory

statements unequivocally identifying and concerning the plaintiff:

It seems that the Association is not functioning in compliance to the Law...! Mayooran Velayuthampillai convenes the meeting in the name of the Association...

Script, direction and in the background Muthu Ponnampalam...!

Please take into consideration the 13 persons who function in the name of the Karainagar people in Canada and the Association, their background and their past activities in association with CKCA. Be present for the meeting which is convened in the name of the Association on forthcoming Saturday Aug 06, 2016 and please settle the problems of these 13 persons... Do they convene this meeting with the real interest in the development of the Association... or Because the fund raised only for the schools was properly sent to meet the same needs by the one who is the editor of this website and the acting secretary of the committee in the past. Already, many truths have been revealed in this website as they are. Find out, whether those who are affected and unable to approach the law properly are seeking a platform to satisfy their pervasive-desires, no matter to whatever worse condition the CKCA deteriorates...! They spread rumors, brought their wives... Now, hiding behind a person who does not know how to live, and seeking outlet to drain out their grievances and jealousies.

- e) On or about August 3, 2016, an article detailing allegedly fraudulent activities of a number of individuals was found at www.karainews.com/CKCA2016JulyAugust and included the following defamatory statements unequivocally identifying and concerning the plaintiff:

Mr. Muthu Ponnampalam is the one who operates these people at present.

...

P.S: Muthu Ponnampalam

Muthu Ponnampalam has no direct connection with the activities of CKCA. He migrated to Canada on the merits of his own educational qualifications. But now he is an orphan living in a condition after losing all that belonged to him. With pleasure he claims that. He is living on government social assistance, leaving not only his parents and siblings but also his wife and children. He received many hundreds of thousands of Rupees as dowry showing his educational merits and married. Now, being separated from his

wife and children he is seeking the help of law to recover the money he has given to his parents earlier. Besides, it is noteworthy that many of his own relatives are living amidst inexpressible anguish because of his actions.

Mr. Muthu Ponnampalam has been gratifying his pervasive desires by filing many kinds of free claims in Canada Ontario Small Claims Court. He filed a claim against CKCA and failed. Situation has arisen that in future he cannot file such free claims at all. The reason is that, in a claim filled by him, the small claims court has ruled against him, by fining 350 dollars. In the first place, he would be able to file any further claim for free of charge, only if he pays the fine to CKCA. First of all, we should wait and see whether Muthu Ponnampalam remits 350 dollars fine which he has to pay to the Association. The claims that Mr. Muthu Ponnampalam has been making through Small Claims Court are related to his own personal interests. Cases can be filed in Small Claims Court only if someone has lost anything personally. In this respect, Muthu Ponnampalam has not lost anything personally through the Association. All that he has lost because of his personal jealousy are parents, relatives, wife and children. He has nothing valuable to lose any more. This website is not afraid of his vainglories, but rather pities him. Presently he has been blackmailing many. He, who cannot think about his relatives and begotten children, is struggling to seek justice for the Community or the Association which belongs to the Community. The ones who have the ability to think please complete this sentence. Thanks!

- f) On or about August 6, 2016, a web posting found at www.karainews.com/CKCA2016JulyAugust that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

In a situation that lost his whole life, also not able to practice asceticism, and only to revenge his own family and siblings, is using Mayooran Velayuthampillai and taking efforts to plunder the community and put it in the rice pot for his leisure.

....

Mr. Mayooran Velayuthampillai like the character Tharmi in the movie Thiruvilaiyadal is giving voice to the dialogue written by someone else, in a state of total incomprehensibility of the statements that had been written and given to him by Muthu Ponnampalam to satisfy his personal jealousy; and unable to understand that the articles of the constitution of CKCA does not contradict or violate in anyway, the primary laws of Canadian Ontario non-profit organizations.

g) On or about August 2016, a web posting found at www.karainews.com/CKCA2016JulyAugust that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

Many from the several former administrative committees, who had been using the activities of CKCA that has the power of an elephant, for their own needs and self-benefits for past many years; were astonished by seeing the activities of the administrative committee led by Mr. Thambyayah Paramanantharajah, some unable to accept that, some with their burning jealousy and in a group of thirteen are functioning under the leadership of the former president Mr. Ravi Raveendran, in the direction of Mr. Ponnampalam Muthuthandavar and in the name of Mr. Mayooran Velayuthmapillai.

h) On or about October 22, 2016, a web posting entitled "*Do not descend into the river relying on a clay-horse*" found at www.karainews.com/Sept2016News that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

Canada Ontario Department of Justice has again levied fine on "Muthu" who has been threatening CANADA-KARA! CULTURAL ASSOCIATION (CKCA) and this website and people of service anonymously through letters mentioning his partly understood Canadian laws, for the last one year and blackmailing many by receiving perks through Ontario Small Claim Court.

He has filed a case in an improper way in small claim court against CKCA a few months ago, to appease his sorrowful spirit. In this case filed by him, the verdict was given against himself to pay 350 dollars to CKCA for the time spent on it.

It is known that, at this juncture, as he failed to pay that fine and because he is dependent on the Government funded social assistance, using the perks freely provided to him, he has been anonymously filing cases without adequate evidences and wasting the time of both the small claim court and the legal experts. In addition, they stated that, possibly this may be a mental disorder for him and so in future, he cannot bring any kind of cases to the Ontario Small Claim Court. Moreover, if he wants to file a case, he can personally make it at Ontario Provincial Court only by hiring a lawyer from his own fund; and this ruling was given against "Muthu" as a written court notice has been sent to him without a hearing.

If the court document which has been served to "Muthu" is received from

"Muthu", this website is prepared to publish it on this site.

For the past few months, the former president of the administrative committee of CKCA Mr. Ravi Raveendran has been, using "Muthu" who had motiveless malignity against CKCA in many ways; and both, in a way showing that the Canadian Law is in their pocket, and had been sending letters against the Association and this website baselessly in a threatening way following the delinquent methods.

Not only that, by foregrounding Mayooran Velayuthampillai with the dexterous hand work of "Muthu", in a threatening manner, they have been distributing pamphlets at "Karai get-together" with the insinuation that the money which has been send by CKCA to Schools in Karainagar is illegal.

- i) On or about October 2016, a web posting found at www.karainews.com/Oct2016News that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

The people who have looked after their own survival through the "Karai Vasantham" events and the activities of the Association in the past; the people who have been greatly distressed through the permanent financial assistance provided to Karainagar schools; administrative committee led by Mr. Ravi Raveendran, which had planned to close the Association permanently; and Muthu Ponnampalam who is having worse jealousy and distress without any cause; are altogether getting satisfaction through threatening the members of the administrative committee of the Association in anonymous ways, and by spreading rumors and false tales among Karainagar People in Canada, according to the limit of their knowledge.

Not only that, they are planning to completely close down CKCA. So writing anonymous petitions regarding the registering department, association's bank accounts. Like these activities of some people are being regularized and handled legally by Mr. Thambyayah Paramanantharajah headed executive committee and regularly contacting the concerned department officials directly.

The people who are writing petitions, spreading lies and false tales and making threatening under the leadership of Ravi Raveendran are doing so through Muthu Ponnampalam and Mayooran Velayuthampillai. Some of the former administrative members and their relatives with Ravi Raveendran as their head are spreading despicable lies as per their knowledge, by directly contacting the karai people living in Canada regarding the matter.

- j) On or about November 2016, a web posting found at www.karainews.com/2CKCAVimarsanam that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

Not only that, to cover up their clandestine activities they are using Muthu Ponnampalam, Mayooran Velayuthampillai and some others.

- k) On or about November 2016, a web posting found at www.karainews.com/2CKCAVimarsanam that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

To cover up their crimes, scams and to destroy them, some of those above mentioned only claim that currently there are problems in CKCA... Mr. Balan Ganeshan, Mr. Kumaran Ganeshan, Mr. Sangarapillai Thavarajah. Mr. Kuladaivelu Ponnampalam, Mr. Ravi Raveendran and with them Muthu Ponnampalam who is like balls of rat shit (it does not know why it is getting dried up) are passing over the opinion that there is no unity among Karainagar people living in Canada, through e-mails and personally to those who sponsored the "Karai Vasantham" events of CKCA, to those who offered programs and to their relatives.

- l) On or about December 5, 2016, a web posting entitled "*What did happen really...! Crime and its Backgrounds...!*" found at www.karainews.com/Nov2016News that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

Not only that they were spreading false propaganda and rumors against this website to hide their frauds and thefts and permanently close down CKCA with the back end support of Ravi Raveendran, at the front end Mayooran Velayuthampillai, Muthu Ponnampalam and Balan Ganeshan without knowing the background of the crime.

In this situation as a sudden twist, Ravi Raveendran gave 11 laptops to the present executive committee saying Ponnampalam Kulandaivelu handed over to him. Association website says that among them 5 were given as practice material to Karainagar and 2 were given to Verapity Shri Ganesha Vidhyalaya.

People such as Balan Ganeshan and Sivasothy Yogarajah (Appan) distributed, at "Karai Ondru koodal" and "Karai Vasantham" events and in

places where Karainagar people gather and send through e-mails all over the world an anonymous leaflet, which was written by Ponnampalam Muthu and has been received from the Lawyer paying 250 dollars, with a delusive appearance of a Court Stay Order.

- m) On or about February 5, 2017, a web posting entitled “*Former President of Canada-Karai Cultural Association Rajadurai Rai Raveendran has committed many different scams in an inhuman manner...!*” found at *www.karainews.com/Ravi2017Feb05* that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

The documents for these false measures carried out presently under the leadership of Ravi Raveendran are prepared by Muthu Ponnampalam and are being sent to the concerned offices with the signatures of Mayooran Velayuthampillai and Arulselvan Rasiah.

- n) on or about March 2, 2017, a web posting found at *www.karainews.com* that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

The backgrounds and details of the e-mails which are being sent to many by Muthuthandavar Ponnampalam alias Muthu using the name of Thirukkumaran Ganeshan (Ganabala)...!

- o) On or about March 25, 2017, web posting found at *www.karainews.com* that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

Expect: Madhana (Muthu) and 13 fools...!

A few who do not comply with the policy, constitution and the administration of Canada-Karai Cultural Association compete to join as a member of the same Association ... Why...? Not to develop the Association or the Village.

Reality: It is necessary for one who joins in an organization to comply with the Constitution, policy and its administration.

"We will not comply but join us..."

The tale and their activities of 13 fools who listen to the Gospel of the devil

and lose their membership by themselves...! The tale of the Ones who listen to the Gospel of the devil and lose their brain..! Soon...!

- p) On or about April 19, 2017, a web posting entitled "*Let us do damn things*" found at www.karainews.com that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

Expect: Madhana (Muthu) and 13 fools...!

The tale and their activities of 13 fools who listen to the Gospel of the devil and lose their membership by themselves...! The tale of the Ones who listen to the Gospel of the devil and lose their brain..! Tomorrow...!

- q) On or about April 20, 2017, a web posting found at www.karainews.com/13Fools that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

The funds donated by Canada Karai Cultural Association to the schools in Karainagar are seemed to be lost...! Those 13 fools who listened to the Satan preaching scriptures and signed. That Madhana "Muthu" Satan will escape... these selected fools will get caught...these fools are the fools who can't understand the behaviour of that Madhana "Muthu" Satan or the background of that Satan...That Satan Madhana "Muthu" has found fault with his own parents and running his survival exploiting them and has stranded his wife and children unattended as well and wretched man with no address now.

The below noted 13 wretched people who have not donated even a 5 cents to the schools they studied, are signing duly for a complaint against someone else's fund that has not reached the schools. The below signed 13 fools don't even know why and for what purpose they were signing and consecrated everything upon Satan and signed according to the scripture of Satan. Many of those don't act as per own intellect so can't explain and make them understand. At least in the future let them try to understand why they sign and prove in the general body meetings. Let us see if the preaching of Satan has entered their heads...! Those who could not understand the real situation of the schools they had studied in can't be explained by not only Satan but also God can't preach and make it enter your heads...can't enter too...!

- r) On or about May 29, 2017 the defendant published a web posting found at *www.karainews.com* that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

Announcement!

It seems that the e-mail account of Mr. Ganeshan Thirukkumaran is used by a person known as "Muthu" and is used by that person known as "Muthu" in a daily basis for false propaganda against Canada Karai Cultural Association. "My Village Karainagar" announces that though the person known as "Muthu" migrated from Karainagar to Canada on the merits of his own educational qualifications, currently he has disconnected and broke up with his wife, children and his parents; in this situation he lost his educational qualifications, became jobless, went through religious conversion and is acting in a manner beyond the culture of Karainagar.

- s) On or about July 1, 2017 a web posting found at *www.karainews.com* that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

-Nut- Loosened "Muthu"

"Muthu" filed a case for removing from the friend circle in the Facebook (Facebook) page of Canada Karai Cultural Association.

In the case he filed, Canadian Court ordered him to pay 350 dollars to the Association as fine...

Now Muthu officially and legally informed to this website that his -nut- has loosened and it costed half a million dollars, and he needs another half a million dollars to fix that and asking total sum of one million dollars.

In a situation that it is confirmed by all that Muthu's -nut- has loosened, the prediction by many is more than the amount of one million dollars as requested by him is needed to fix that...

The wife and children who have left him as a result of "Muthu's" nut loosened. The Canadian department of immigration which granted permanent residence ship without properly verifying the educational qualifications of these type of nut loosened people?

.....

- t) On September 10, 2020, the funeral for the plaintiff's father took place in Nepean,

Ontario, where the younger brother of the plaintiff lives. Immediately after that funeral and continuously thereafter, the alleged website and Facebook published statements that are defamatory of the plaintiff. On or about September 10, 2020, a Facebook postings found at www.facebook.com/vilvesh.kandiah/posts/825491014860767 that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

Are these educated, too....!

A funeral was held in Canada on 10.09.2020. Some things that has to be known from it. The death of a socially-minded teacher who worked as a teacher and educated his children, and made them graduates reflects the living conditions of the Tamil people living in Canada.

He came to Canada at the invitation of his children and had been permanently living with his children in Toronto, Canada. After that, he had been living alone with his wife with the assistance of the Government. Educated children, children involved in village work and enriched the village, left their parents to wither away in loneliness. They had recently been maintained with government assistance in a city that is located over 400 kilometres away from the city of Toronto. Eventually, he passed away.

Despite having relatives, siblings, kith and kin, and the villagers in Toronto, Canada, they were finally maintained in state care for a few years and cremated in that city with the last financial assistance from the Government of Canada.

What a pity life is this. Despite his relatives, kith and kin, and children living as graduates in the city of Toronto, he has been cremated 400 miles away with the financial assistance of the Canadian Government. He, who was receiving a pension from the Sri Lankan Government, who had a house and properties in his hometown, who educated his children to make them graduates, came to Canada trusting his children. Despite all of these, at last, his funeral was conducted with the financial assistance of the Canadian Government and his children abandoned him in a single day and washed their hands away.

Parents, who are in foreign countries, especially in Canada, and who are spending their old age with the financial assistance from the Canadian Government, your children would have come running to take care of you, if you would have stayed in your hometown holding unto your government job and the pension received through it. Your respect and dignity would have been with you.

Retired parents of the Sri Lankan government who was receiving the pension from the Sri Lankan government and came to Canada trusting their children... the time has not passed for you yet.. None of Canada's climate and your children's needs is favourable to you. You still have a beautiful home and relatives in your hometown. Think.

I was shocked and disgusted to hear this news from Canada. The children of the deceased claim they had done something in Canada in the name of service to the village. One is an engineer and the others are graduates too. These also have children and these educate their children as well. There are people of Karainagar and the Tamil community in Canada who still trust these idiots.

Ganesh Mayilvaganam

The realization of truth. Some men sometimes

Ganga Senthilrajah

They lived as they wished. This is a useless talk.

Vilvesh kandiah

It seems you are related to the old man...

Accept the truth...

If not you will have a miserable future than this...

Ganeshapillai Balachanthiren

Ganga Senthilrajah This is absolutely true

.....

Muthu Ponnampalam

What is the point of saying a blasphemy with arrogance until the Lord is good and the servant is good? What if he disparaged? Is there any blemish in it?...

.....

Vilvesh Kandiah

You are a person without an address. Take the name of your Koppan after your name and go bald. You are of no use to your family or even your parents. Go and live like an animal...

Your life is equivalent to a living corpse if your mother's belly is ablaze for giving you birth.

.....

Vilvesh Kandiah

Arumugam Sothinathan, Krishnaverney and Muthu who appeared without a summons for the details posted without any name, have destroyed some of their own posts. Even though those posts were along with the name, place and detail, they have removed the posts written as, are you a man, were you born to a prostitute, were you born unwantedly. The person known as Muthu who lives in Canada without any address has brought the songs of Pattinathar for his justification. If you can, announce who you are ... what your birth and upbringing are ... what your educational qualifications are ... who your wife and children are through your Facebook page. You, who has lost your identity and is living a nomad life, are in vain.

Vivesh Kandiah

'If you know yourself you can fight in the world if you know yourself ...' many comments from this page have been removed as the people who do not know themselves appeared without any summons regarding the true information published on this page, and talk against other individuals for other purposes, and post irrelevant information to the subject. All posts have been deleted, because the person making the posts with irrelevant comments, has already been removed from multiple groups on various social networking sites and is a branded lunatic who arbitrarily reveals his insane erudition without family concern or personal concern.

Vivesh Kandiah

The news that was received later: It seems that one or two children born to that deceased man are also martyrs but the children who live in Canada invited their parents to Canada and not only left their parents in the hands of Canadian Government maintenance, but also to extract money from their parents they had filed lawsuit in police, advocate, court etc. and have received the money also. It seems, they even had not participated in the final rite. Martyrs and the utmost sinner were born in the womb of the same mother.

u) On or about March 18, 2021, a Facebook posting found at www.facebook.com/thiravianathan/posts/10159186241888112 that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

.....

Yet from time to time a few mistletoe has also been created can be seen.

Criticism of a few inhuman mistletoe who do not provide the above public works services and financial assistance, who do not know how to live his own life in the migrated country, who has no connection with his own relatives, who sued his own parents for alimony, who tortured his parents by beating and chasing them on the roads and, who has no faith in charity is not qualified to talk anything about the needs of the Karai soil.

What is their purpose..? What are these few mistletoe who live a life that is useless to their own family, children, parents or relatives going to prove..? They have already lost their family and came to the middle of the streets due to their inability and jealousy. Those who has been involved in these type of activities are criticizing on the people who do social works by donating several crores of their own money, their intelligence, their properties, and their own time. Enquire about their own life thoroughly and know.

The winner and loser have a place in history, but there is never a place for such mistletoe. Do not give a place.

- v) On or about July 4, 2021, Facebook postings entitled “*The story of a genius ‘Madhana Mutha’*” and “*Strong goats are wandering for food but a lame goat...*” at www.facebook.com/Karainews/posts/4560552667300065 and www.facebook.com/thiravianathan/posts/10159425302998112 and continuously thereafter on or about July 8, 2021 a web posting found at www.karainews.com/mathanamutha.html that included the following (English translation of Tamil text) defamatory statements unequivocally identifying and concerning the plaintiff:

Madhana Mutha

‘Strong goats are wandering for food but a lame goat...’

.....

In this state, from the year 2014, a person called Muthu Ponnampalam appeared against Canada Karai Cultural Association without any reason. Due to pre-existing personal antagonisms, jealousy, inability reasons, in the year 2014, he brought a lawsuit against the former President of Canada Karai Cultural Association, Mr. Ravi Raveendran, in small claims court, claiming that he was removed from the official Facebook platform of Canada Karai Cultural Association.

Subsequently, he filed various lawsuits against Canada Karai Cultural Association. In the first lawsuit, the verdict was served against Muthu Ponnampalam that he had to pay a fine of 350 dollars for wasting the court's time. That money has not been paid yet. Because of this, Muthu Ponnampalam cannot take any lawsuits to the small claims court at all.

So that, again, he joined with 13 people from the administrative committee led by Mr. Ravi Raveendran, received money from them, and wrote petitions to the government agencies in their names. In that petitions, he alleged that the amount of one crore and twenty lakhs rupees were provided to the schools by the administrative committee of the Canada Karai Cultural Association led by Mr. Thambyayah Paramanantharajah were wrong. And he has also alleged in that petition that the accounts and deeds of the Canada Karai Cultural Association were incorrect. The concerned administrative organizations requested explanations against the petitions and, the related documents were handed over, and the inquiries were carried out. And in everything, it was proved that Muthu Ponnampalam and the persons who acted believing him were out-of-work, fools.

Muthu Ponnampalam, who could not accept that too, took writing petitions as his family business. Muthu Ponnampalam wrote threatening letters to the administrative committee members of the Canada Karai Cultural Association and many of those who were to be elected for the administrative committee and threatened them. To appear those threatening letters that he sent to many were written legally, he used section numbers of the Acts in it threatening by stating that if elected to the administrative committee of Canada Karai Cultural Association, the person has to go to Court. Further, in his threatening letters, he threatened many by stating that if elected to the administrative committee of Canada Karai Cultural Association, the person has to pay the fine and answer questions in Court, as it seems its activities were against the laws.

In the year 2015, two people who were the secretary of the Canada Karai Cultural Association were threatened in this manner, and they quit their post. After that, in the same period, I, Theesan Thiravianathan, was elected by the administrative committee as the third Acting Secretary of the Canada Karai Cultural Association. The activities carried out by Theesan Thiraviyanathan, who clearly understood Muthu Ponnampalam's jealousy, inability and depression, poured further fuel to the Muthu Ponnampalam's depression.

Although Muthu Ponnampalam, who is not even a fundamental member of the Canada Karai Cultural Association, took the email and signatures of some members and kept on filing complaints against Canada Karai Cultural Association, all concerned government agencies said that it was insane.

Not only against the former president of Canada Karai Cultural Association, Mr. Thambyayah Paramanantharajah, the Auditor Mr. Kanagarajah Kandiah and Mr. Theesan Thiravianathan but also for giving one lakh rupees directly from the Sri Lankan pension money for the fixed deposit towards Karainagar schools, he filed the lawsuit against his father, Late Ponnampalam. He stated that he had brought his own father to Canada, and even though his father was under his supervision he paid one lakh of rupees to Canada Karai Cultural Association towards the schools' fund and considering few other family circumstances, he filed a lawsuit against his father and mother. He won in that lawsuit. Court gave a judgement that parents should pay monthly 50 dollars to Muthu Ponnampalam.

To disable the Canada Karai Cultural Association and its activities and due to the inability and jealousy of Muthu Ponnampalam, he wrote many threatening letters to those who provided financial aid to Canada Karai Cultural Association and also, to many administrative committee members. He stated in his threatening letters that they would be required to respond legally and threatened them that legally was a crime and those who provided financial aid would also be answerable. I have several copies of it.

Only, through the Canada Karai Cultural Association, the situation had raised for me that I, Theesan Thiravianathan, had to tell the people of Canada Karai about the realities of Muthu Ponnampalam, who has no understanding of the administrative activities of the Canada Karai Cultural Association, in particular, concerning the one crore and twenty lakh rupees provided to Schools in Karainagar, there is no explanation, authenticity, financial aid or even an annual subscription payment towards a fundamental membership status, from him.

One crore and twenty lakh project for schools carried out through Canada Karai Cultural Association was unexpectedly accomplished on 05.05.2015 with 25 lakh rupees provided by Theeesan Thiravianathan. Because of that, Muthu Ponnampalam's mind got highly depressed. Without knowing what to do and to satisfy those 13 fools who had given him 500 dollars per head in trusting him, he filed a lawsuit against me personally through an advocate alleging that I had insulted him.

The advocate, Withdrew himself from the case that was continued with the financial aid of the 13 fools until 2017, due to the situation that the 13 fools could not provide him with any more funds. Constantly, Muthu Ponnampalam, like an idiot who has trampled on the feces, has been arguing for himself using his brain that studied Engineering. Not only that, Muthu Ponnampalam, who got a highly depressed mind, not only he has been acting as his own advocate but also the Judge and has been serving several judgements on

his own.

Muthu Ponnampalam filed the lawsuit claiming that these truths about him were written due to some family dispute between him and myself or other needs. In this lawsuit, he also claimed that he was an ordinary Canadian citizen and, whatever Theesan Thiravianathan has written on the 'My Village Karainagar' website was a personal attack. Further, he claimed that Theesan Thiravianathan suddenly woke up one morning and wrote without any connection on the website that Muthu Ponnampalam was an idiot. He took only the sentences that he needed from the articles written page by page on my website, translated them to suit himself, and initially filed a defamation lawsuit in more than 250 pages and brought forward more than 50 allegations against me.

For whatever reason, in the lawsuit filed against me in the court, without mentioning anything about his activities against Canada Karai Cultural Association or details about the 13 fools who are functioning together with him; he attempted to convince the court, advocate, and the judge that Theesan Thiravianathan woke up on one morning and wrote defamatory articles about him.

Here you go, the details about Muthu Ponnampalam, who is acting threateningly and falsely and contrary to the truth against Canada Karai Cultural Association and 'karai news' website. In the past five years, in the state of ignorance of who he is and in a state of ignorance of what to do for his village, people and family through his activities, he has been acting as 'Madhana Muthu'. I am letting the people know what the truth is without personal attack to let the people know who Muthu Ponnampalam is spreading lies about 'My Village Karainagar' and Theesan Thiravianathan through his own social networks and Facebook.

Muthu Ponnampalam is a useless person who has been living a life that has no use to his own family, parents, village or relatives or the country. He received money from his parents in the Canadian court seeking money against his own parents. He has been living on the social assistance of the Canadian government, on the condition that he has no contact with his wife and the children. He cheated the Canadian government and came to Canada on his self-sponsorship as an engineer, and worked unlawfully for cash in hand for many people. Then, he left all his parents, brothers, kith and kin and has been living a nomadic life in hiding places without catching on anyone's eye.

Last year, the father of Muthu and a teacher, Mr. Ponnampalam, fell ill due to cancer, and even though at his final moments, he expressed his last wish to talk to his eldest son Muthu, he refused to talk even over the phone. Then

without even participating in his father's final rites, he had laid enchanted in another world. For many past years, he has been living in a condition where there is no contact with his wife and children. Because he needs to provide alimony for his wife and children, he has been living on the Government's social assistance without going to any lawful employment.

In the years of 2016, his own father, Mr. Ponnampalam, asked me to sever ties with Muthu in the wake of the lawsuits filed against me, saying that he has been living in a bad mental state and was wandering in another world created for him.

Acting as his own judge for himself, during last years and last few months ago, he claimed that people living in London and Karainagar are responsible for the details written on a Facebook page known as Vilvesh Kandiah. Through that, he joined with Mr. Thiyagarajah Thuvarakeeshwaran and assailed many volunteers with stinging words in his personal social network untruthfully. After that, he wrote his own judgment stating that the Canadian court served the judgment that the Facebook account in Vilvesh Kandiah belongs to Theesan Thiravianathan in Canada. Even in his social networking platform, Muthu Ponnampalam has taken Canadian law into his own hands.

He has again filed a lawsuit claiming that he has spent time, money on lawsuits filed since 2017 and that I must pay for it. Even last year during the corona period, every month, he has written stories in his imaginations for more than 400 pages, filed a lawsuit, and wasted the court's time, advocate's time and judge's time. Not only that, he has already written the verdict on his social networking platform too.

What is taking place is a civil lawsuit. Muthu Ponnampalam, who has sabotaged the administrative activities of the Canada Karai Cultural Association in many ways and has threatened many people; he has filed a lawsuit claiming that he was an ordinary citizen and has become insane because of me. Although Muthu Ponnampalam was a member of various social networking forums, he has been chased away from all those forums, has finally started a page of his own, and is running it as a court.

A person who has lost his family, lost contact with his parents, lost touch with society, lost contact with the village, lost contact with the relatives, lost contact with his own children; he is claiming that he is greatly concerned a lot about the associations, social workers, public servants, temples, individual people, and organizations that the Karainagar people run for the Karainagar people themselves....!

Those are proud ones, who are the members of Muthu Ponnampalam's court and remains joined in the social networking platform runs by Muthu Ponnampalam; he who has no family responsibilities, insulted his parents,

separated from his wife and children, and lives as an inhabitant of another world, even though he lives in Canada one of the world's first-rate countries. Read the stories of Muthu Ponnampalam, who seeks solace for his depressed mind by picking news from here and there and tying knots between the knee and baldhead with half-baked information. In Canada, Muthu Ponnampalam is living as if a cobra in the dark and not only disconnected with Karainagar people but also with his wife, children, relatives, friends etc. He not only continues to insult the Canada Karai Cultural Association and the good hearts who are helping the Association but also writes petitions in a threatening way. Considering the public's well-being, I am obliged to inform through 'My Village Karainagar' website that Muthu Ponnampalam is a perilous person who should be isolated from society.

The investigations of the case that Muthu Ponnampalam filed on me have not been brought forward on this website for the last few years because those had been on a personal level. But now, Muthu Ponnampalam, without any basis to indicate something to someone or to collect evidence that myself, Theesan Thiravianathan is abusing him in an unwanted matter, sowing his imaginations and lies through his social networking platform. But Muthu Ponnampalam has been sowing lies and fantasies through his social media site to indicate something to someone or to get evidence that I, Theesan Thiravianathan, am writing something defamatory on social networking sites about him while the case is in court.

To satisfy a few those who do not have a sense or even give five percent to the charity, Muthu Ponnampalam writes unbelievable imaginary stories about Theesan Thiravianathan and 'My Village Karainagar' that serves Karainagar people and its soil, and whatever the work it takes up that suffice the need and brings glory to Karainagar soil.

.....

Muthu Ponnampalam, who has no heart to pay 5 percent for charity; Muthu Ponnampalam, who shown his educational qualification and emigrated to Canada for the very reason that he has to pay alimony for his own children; Muthu Ponnampalam, who has a depressed mind and does not go to any work, is not ready to believe anything. To reproach my services for my village, he tries to make many similar people like him think that Theesan Thiravianathan has been collecting money in Canada and doing service for his village.

.....

Not only that, amidst the people who find reasons for why not giving even five and ten, for whatever the activities have been taken up, the financial contribution of Theesan Thiravianathan has always been the highest. At this

stage, due to Muthu Ponnampalam's inability, jealousy, depressed mind and stomach burn, he gets satisfaction by tying knots between the knee and bald head through people who are not fit to be explained. I hereby state that there is a massive threat by Muthu Ponnampalam, who has a depressed mind, and the foregoing details about Muthu Ponnampalam are truthful and brought forward considering the wellbeing of the public, and not for any personal grudge or vengeance, and also Muthu Ponnampalam who is threatening Canada Karai Cultural Association and Karainagar public servants is a person who is living in another world that is his own. Thank you!

.....

w) On or about July 5, 2021, a Facebook post found at www.facebook.com/Karainews/posts/4563751300313535 that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

An open challenge to Muthu Ponnampalam and Thiyagarajah Thuvarakeeshwaran, who are trying to blame on 'karainews.com' website compiler Theesan Thiravianathan blatantly!

First, post on this Facebook any one of the receipts for the financial aid paid in the last ten years from your own money for the development of Karainagar, Karainagar Abiviruththi Sabai or the growth of Schools in Karainagar. For the same cause that you has paid, I, Theesan Thiravianathan will give hundred folds of your receipt amount within ten hours of time.

In the last ten years, have you given at least 5 percent for the 11 schools, four libraries, 11 sports clubs, ten pre-schools..?

..... Your stomach-blaze and your jealousy are the destructions you inflict on your children. The donation and the charity you make are the only property for your children. If you believe in God, do that today.

Or go to the Jaffna bus stand and beg ... at least your children may survive.!

x) On or about July 6, 2021, a Facebook post found at www.facebook.com/thiravianathan/posts/10159428951378112 that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

.....

What is the goal of the activities of a person called Muthu Ponnampalam? Is there any good thing happening in the town..? Are the people like 'Madhana Muthu' useful to any schools, temples, libraries, sports clubs, public organizations, individual relatives, or those affected by war...? Not only that, whatever the activities are accomplished, that is being completed with a major proportion of my own money. The names of the donors are being published on the website. Suppose you think a little about why this lame goat, which is a basic member of neither the Canada Karai Cultural Association nor the Karainagar Abiviruthi Sabai, stands on a single leg. In that case, you will understand what the truth of the lame goat is.

.....

y) On or about August 16, 2021, a Facebook post found at www.facebook.com/thiravianathan/posts/10159506775888112 that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

Thiravianathan Theesan

There is nothing wrong with not doing favors and seeing the ordeals of friends, relatives, and villagers and just pass by like not seeing, but when thinking of those who discovers thousand reasons and posts an advice on something to justify them on the Facebook....

Feels like have to beat them and chase away...

.....

Thiravianathan Theesan

In the midst of the corona period, and the children were in a dire situation amid the trauma of not being able to go home if their own mother and father died, if I see that nut loosen idiot who is in the mood of not attending the funeral of his own parents, and filed lawsuit to repay the immigration debt by plucking the money that is given by the Government to his mother and father, feels like have to beat him and chase away.

40) The plaintiff states that the website and Facebook pages alleged in the above paragraph 39 (a)-(y), inclusive, are publicly available, are being published in the Tamil language, and were at all material times read by members of Ontario's Tamil-speaking community.

41) The plaintiff pleads and relies on the entirety of the website and Facebook pages alleged in the above paragraph 39 (a)-(y), inclusive, to support the defamatory meanings of the complained words.

42) The English language translation pleaded herein above paragraph 39 (a)-(y), inclusive, is an accurate translation of the original statements made in Tamil, and the grammatical errors and awkward phrasing appearing in the Defamatory Statements appear in the original Tamil texts.

43) Madhana Mutha referred in the above paragraph 39 (a)-(y), inclusive, is a popular Tamil folk character who falsely portrays himself as a great scholar and then misleads a group of villagers to destroy their property foolishly. He is popularly known in the Tamil community as someone who is a charlatan that is foolish, ineffective, and destructive.

44) The plaintiff states that the usage of “Madhana Mutha” on the alleged publications in the above paragraph 39 (a)-(y), inclusive, was meant to, and understood to be, an insulting reference to the plaintiff. When Google searches are conducted of the plaintiff’s name, the publications are among the search results, ensuring that the plaintiff’s online identity and reputation will continue to reference “Madhana Mutha”.

45) The plaintiff states that the transformation of the plaintiff’s name Muthu to Muthuthandavar on the alleged publications is defamatory of the plaintiff in that it is an insulting reference to the plaintiff, and the addition of "thandavar" was meant and understood to mean "the unbalanced one".

46) The plaintiff states that the defendant Mr. Thambyayah made statements in his letter dated October 12, 2020, to the Director of Standards Enforcement of CPA Ontario that included the following defamatory statements unequivocally identifying and concerning the plaintiff:

“Mr. Muthu Ponnampalam is misleading the Chartered Professional Accountants of Ontario. He lied about most of the points on the Form 7-1A.

The Financial Statement of CKCA had approved by the members on my period in the AGM. Mr. Muthu Ponnampalam made false statement on that.

Mr Muthu Ponnampalam makes lot of false information on behalf of CKCA to CPA.”

- 47) The words are capable of and refer to the plaintiff.
- 48) The natural and ordinary meaning of the words is that the plaintiff:
- a) misleads the CPA Ontario;
 - b) lied to the CPA Ontario;
 - c) is a liar; and
 - d) made misrepresentation to the CPA Ontario.
- 49) In the alternative, the plaintiff pleads by way of legal innuendo that the words meant and were understood to mean that the plaintiff:
- a) misleads the CPA Ontario;
 - b) lied to the CPA Ontario;
 - c) is a liar; and
 - d) made misrepresentation to the CPA Ontario.
- 50) Particulars are as follows:
- a) the plaintiff never misled the CPA Ontario at any time whatsoever;
 - b) the plaintiff never lied to the CPA Ontario at any time whatsoever;
 - c) the plaintiff is a Professional Engineer and a member in good standing with the Professional Engineers of Ontario and it is the duty of the plaintiff to the public and to act at all times with, devotion to high ideals of personal honour and professional integrity;

and

- d) the plaintiff never made a representation before the Professional Conduct Committee of CPA Ontario on behalf of CKCA at any time whatsoever.

51) The plaintiff states that the defendant Mr. Thambyayah made a statement on the WhatsApp Forum “Kalapoomy Education Development” that included the following defamatory statements unequivocally identifying and concerning the plaintiff (English translation of the Tamil):

“Here is an eagle in parrot’s gage. Remove it, the one who complained to the Ministry and the CPA about the CKCA.”

52) The words are capable of and refer to the plaintiff and were read by the public in Ontario.

53) The natural and ordinary meaning of the words is that the plaintiff:

- a) is bad moral Character;
- b) does not get his living honestly;
- c) too lazy to make his end needs;
- d) opportunistic predator;
- e) is a harmful person;
- f) should be driven out of the town; and
- g) makes complains to the authorities without merit.

54) In the alternative, the plaintiff pleads by way of legal innuendo that the words meant and were understood to mean that:

- a) is bad moral Character;
- b) does not get his living honestly;

- c) too lazy to make his end needs;
- d) opportunistic predator;
- e) is a harmful person;
- f) should be driven out of the town; and
- g) makes complains to the authorities without merit.

55) Particulars are as follows:

- a) Benjamin Franklin, the statesman, philosopher, naturalist, inventor and all around Renaissance Man, was not all that thrilled with the choice of the Eagle, and in a letter writing from France on Jan. 26, 1784, to his daughter Sally (Mrs. Sarah Bache) in Philadelphia, Pennsylvania, Franklin said, in part:

“Eagle is a Bird of bad moral Character. He does not get his Living honestly. You may have seen him perched on some dead Tree near the River, where, too lazy to fish for himself, he watches the Labour of the Fishing Hawk (osprey); and when that diligent Bird has at length taken a Fish, and is bearing it to his Nest for the Support of his Mate and young Ones, the Bald Eagle pursues him and takes it from him.

With all this Injustice, he is never in good Case but like those among Men who live by Sharping & Robbing he is generally poor and often very lousy. Besides he is a rank Coward: The little King Bird not bigger than a Sparrow attacks him boldly and drives him out of the District.”

56) In pursuance and furtherance of the Conspiracy, the defendant Mr.Thambyayah persistently worked out with Mr.Amirthasingam to have plaintiff be removed from the WhatsApp Forum “Kalapoomy Education Development” until Mr.Amirthasingam unlawfully removed the plaintiff from the Forum without a cause or a viable reason other than to inflict injury on the plaintiff.

57) The plaintiff states that Mr.Arulselvam Somasuntharam known as Arul

(“**Mr.Somasuntharam**”) restored the plaintiff into the participants’ list of the WhatsApp Forum “Kalapoomy Education Development”, immediately after the removal of the plaintiff from the WhatsApp Forum by the defendant Mr. Amirthasingam under the direction of the defendant Mr.Thambyayah.

58) In pursuance and furtherance of the Conspiracy, Mr.Amirthasingam targeted the plaintiff with the intent to inflict injury through unlawfully disabling Mr.Somasuntharam from the admin status of the WhatsApp Forum “Kalapoomy Education Development” before having the plaintiff be unlawfully removed from the Forum for the second time.

59) In pursuance and furtherance of the Conspiracy, the defendant Mr.Kanagarajah persistently worked out with Mr. Sivanantharasa to have the plaintiff be removed from the WhatsApp Forum “Karai Water-Land Scheme” until Mr.Sivanantharasa unlawfully removed the plaintiff on or about March 3, 2020, from the Forum without a cause or a viable reason other than to inflict injury on the plaintiff.

60) In pursuance and furtherance of the Conspiracy, the defendant Mr.Thavarajah unlawfully removed the plaintiff from the WhatsApp Forum “News of New Path” without a cause or a viable reason other than to inflict injury on the plaintiff.

61) In pursuance and furtherance of the Conspiracy, the defendant Mr.Thavarajah persistently worked out with Mr.Sothilingam to have the plaintiff be removed from the WhatsApp Forum “People and Life” until Mr.Sothilingam unlawfully removed the plaintiff on or about November 2, 2021, from the Forum without a cause or a viable reason other than to inflict injury on the plaintiff.

62) In pursuance and furtherance of the Conspiracy, on or about October 27, 2021, the defendant

Mr.Thavarajah made a statement on the WhatsApp Forum “People and Life” that states (English translation of the Tamil):

“You Muthu, fox cub, is living in Canada, without any gainful job, on the charity money granted by the Canadian Government.”

63) The words are capable of and refer to the plaintiff and were read by the public in Ontario.

64) The natural and ordinary meaning of the words is that the plaintiff is:

- a) a trickster;
- b) an illusionist;
- c) an evil;
- d) demon filled with ghosts;
- e) a greedy person;
- f) a cunning person;
- g) a swindler;
- h) a selfish person;
- i) a deceitful person;
- j) the plaintiff has no gainful employment;
- k) does not get his living honestly;
- l) too lazy to make his end needs;
- m) burdens the Canadian Government; and
- n) involves in Welfare fraud.

65) In the alternative, the plaintiff pleads by way of legal innuendo that the words meant and were understood to mean that the plaintiff is:

- a) a trickster;
- b) an illusionist;
- c) an evil;
- d) demon filled with ghosts;
- e) a greedy person;
- f) a cunning person;
- g) a swindler;
- h) a selfish person;
- i) a deceitful person;
- j) the plaintiff has no gainful employment;
- k) does not get his living honestly;
- l) too lazy to make his end needs;
- m) burdens the Canadian Government and tax payers; and
- n) involves in Welfare fraud.

66) Particulars are as follows:

- a) In literature and other forms of media, the fox tends to get a bad wrap as being sly, mischievous, trickster, illusionist, evil, demons filled with ghosts which they feel explains the fox's greediness and cunning, selfish and deceitful.

67) In pursuance and furtherance of the Conspiracy, on or about November 2, 2021, the defendant Mr. Sothilingam made a statement on the WhatsApp Forum "People and Life" that states (English translation of the Tamil):

"You [Muthu Ponnampalam] have forgotten that you associated with some of the Karainagar thugs living in Canada and what you did on that day."

68) The words are capable of and refer to the plaintiff and were read by the public in Ontario.

69) The natural and ordinary meaning of the words is that the plaintiff is:

- a) a violent person;
- b) a aggressive person;
- c) a criminal;
- d) associated with thugs; and
- e) harmful to society.

70) In the alternative, the plaintiff pleads by way of legal innuendo that the words meant and were understood to mean that the plaintiff is:

- a) a violent person;
- b) a aggressive person;
- c) a criminal;
- d) associated with thugs; and
- e) harmful to society.

71) Particulars are as follows:

- a) the word “thug” means a violent or brutish criminal or bully or cruel or nasty person;
- b) the phrase “you associated with some of the Karainagar thugs living in Canada” denotes that the plaintiff had link with some thugs in Canada and involved in criminal activities.

72) In pursuance and furtherance of the Conspiracy, the defendant Mr.Balachandran persistently worked out with Mr.Yogarajah to have the plaintiff be removed from the WhatsApp Forum “Karai Friends” until Mr. Yogarajah unlawfully removed the plaintiff on or about November 21, 2021, from

the Forum without a cause or a viable reason other than to inflict injury on the plaintiff.

73) The plaintiff states that at the earliest on the day of the removal from the WhatsApp forum hosted by the defendant, Mr. Yogarajah triggered the plaintiff to make inquiries, seek for further information, and to connect the series of defendants' conducts by looking backwards. At this point only the plaintiff knew of the injury attributable to the defendants' conduct and that the injury warrants bringing this proceeding.

74) In pursuance and furtherance of the Conspiracy, the defendants removed the plaintiff from their Facebook community circle and the Associations' email circulation list. By doing so, the defendants prohibited the plaintiff from receiving information concerning the Community events that the plaintiff is lawfully entitled to and has the right to know.

75) In pursuance and furtherance of the Conspiracy, the Associations and the individual defendants had, with the purpose of injuring the plaintiff, caused a third party website: www.karainews.com and Facebook page: www.facebook.com/thiravianathan to post that (English language translating of the Tamil):

“Although Muthu Ponnampalam was a member of various social networking Forums, he has been chased away from all of those forums”

76) This further statement serves to aggravate further or increase the damages to which the plaintiff has and will continue to suffer and incur, and means, in its ordinary sense and particularly in the context of its being delivered during the course of the plaintiff's removal from the defendants' various Forums intended the Tamil Community to understand that the plaintiff was not really a patriot of the Tamil Community, nor deserving of that position or title as a professional engineer, nor worthy of the respect usually afforded by members of the Tamil Community, and that there was something false or fake about

the practice by the plaintiff of his profession and calling in the manner and association under which the plaintiff has chosen to practice his profession and calling.

76.1) In pursuance and furtherance of the Conspiracy the defendants Mr.Kanagarajah and Mr.Thambyayah shared the contents of the letters referred to in paragraphs 27, 37 and 46, and published similar words to that effect in several meetings of the CKCA members called for the purpose of, *inter alia*, discussing the regulatory matter of the CPA Ontario. These meetings were audio and video recorded by the administration of the defendant CKCA and widely shared among their friends and family members.

76.2) In pursuance and furtherance of the Conspiracy, the defendants sponsored and authorized a third party website and, its Facebook and WhatsApp platforms to publish the information and materials related to the regulatory matters of the CPA Ontario, and incited hatred towards the plaintiff.

76.3) Plaintiff pleads and relies on the entirety of the audio and video records of the CKCA committee meetings and general meetings held from time to time and similar words to that effect spoken by the defendants at various social gatherings, for the allegations in paragraphs 27, 32, 37, 46 and 76.1, which records are all material times in the power and control of the former and current administration of the corporate defendant CKCA.

76.4) Further, the plaintiff pleads and relies on the entirety of the homepages of the third-party website, Facebook pages and community WhatsApp messaging platforms that were sponsored by the defendants Mr.Kanagarajah and Mr.Thambyayah for campaigning against the plaintiff, and those third-party website homepages were updated from time to time but are kept by the web host, or in the alternative, are retrievable by the web host through the domain server administrator or internet service provider.

76.5) In pursuance and furtherance of the Conspiracy, on or about early February 2022, the defendants, by Mr. Balachandran, using his connection with the Crown Office, pressed the Toronto Police Services to lay criminal charges against the plaintiff without a cause or a viable reason other than to inflict injury on the plaintiff.

76.6) In pursuance and furtherance of the Conspiracy, in March 2022, the defendants launched an ongoing fundraising campaign in connection with this proceeding, using slogans and petitions against the plaintiff in such a manner as inciting hatred towards the plaintiff.

76.7) In pursuance and furtherance of the Conspiracy, the defendants Mr.Kanagarajah, Mr.Thambyayah, Mr.Balachandran and Mr. Sivakumaran, without legal justification, seized control of the two corporate defendants CKCA and OSA, and unlawfully hold the administrative power of these two corporate defendants without proper election process in compliance to the constitutions of the corporate defendants and misused that unlawful corporate power to oppress the plaintiff.

76.8) In pursuance and furtherance of the Conspiracy, in mid of August 2022, the defendant Mr. Sivakumaran launched an ongoing fundraising campaign in connection with this proceeding by inappropriately and without the consent of the person using the name of former Deputy Surveyor General Mr. Murugesampillai Velauthapillai aka Mr. Velauthapillai Murugesampillai (hereinafter “Mr. Velauthapillai”) who publically announced in early September 2015 that he had ceased to be involved in any affairs of the corporate defendants CKCA and OSA due to his old age and bad health.

77) The plaintiff states that the defendants’ overt acts outlined above and the statements made by or on behalf of the defendants are a few examples of a continuing and pervasive pattern of conduct on the part of the defendants in pursuance and furtherance of the Conspiracy.

78) The plaintiff claims the statements made, or in the alternative caused to make, by the defendants are defamatory and part of a continuing and pervasive pattern of conduct and a Conspiracy on the part of the defendants, causing the plaintiff to suffer damages and losses.

79) The plaintiff states that removing the plaintiff from the community forums is wrong, unlawful and the defendants acted with express malice and in bad faith. The complained statements are false, malicious and defamatory in that they are untrue and created a false image of the plaintiff, attributed false words and actions to the plaintiff and imputed false motives to the plaintiff.

80) The defendants have no viable reason against the plaintiff, who is merely exercising his right to raise concerns with regulators.

81) The plaintiff states that the Conspiracy was itself unlawful, or alternatively, if the Conspiracy or agreement is not in itself unlawful, it was entered into and effectuated the predominant purpose of injuring the plaintiff and interfering with legitimate business expectations, business or professional interests and contractual relations of the plaintiff within the Tamil Community in general, and the Global Karainagar Community in particular, with which the plaintiff is associated or practising his profession or calling, and was effected by unlawful means, including by the publication and re-publication of the complained defamatory postings.

82) The plaintiff states that the underlying purpose of publication and re-publication of the complained statements and the Further Statements was to damage and destroy the plaintiff's professional reputation and to injure, punish and harm the plaintiff financially, emotionally and spiritually in his career, profession and economic interests.

83) The plaintiff claims that the systematic removal of the plaintiff from various community forums, barring the plaintiff from having access to the Community events and, the publication and re-publication of the defamatory statements made by or on behalf of the defendants were the culmination of a tortious Conspiracy, in that the defendants, or in the alternative some eight or more of them combined, agreed or conspired to coerce, convince, persuade or force the plaintiff to flee away from the Tamil Community in general, and the Global Karainagar Community in particular, with which the plaintiff is always associated and practising the plaintiff's chosen profession and calling and to be and remain silent permanently, or until such time as the defendants or someone or more of them deem or decide that the plaintiff has been sufficiently punished or chastened for his conduct in entering into or conducting a business or businesses without their prior consent or approval, the predominant purpose and the reasonably foreseeable effect of each of which was to cause injury on the plaintiff.

UNLAWFUL INTERFERENCE WITH ECONOMIC RELATIONS

84) The plaintiff states that the defendants targeted the plaintiff with the intent to destroy the plaintiff's professional reputation and to inflict economic injury, through unlawfully, *inter alia*,

- a. suspended and/or threatened to suspend the membership of the Associations' members those who associated with the plaintiff, and in this execution the defendants have breached their own bylaws, Corporations Act., and Corporations Information Act, rules under CPA of Ontario Code of Professional Conduct, Regulation 941 under the *Professional Engineers Act.*, and interfere with their members and plaintiff meaningfully exercise the freedom to associate protected by subsection 2(d) of the Canadian Charter of Rights and Freedoms;
- b. the defendants Mr.Kanagarajah, Mr.Thambyayah, Mr.Balachandran, Mr.Paramalingam, Mr.Navaratnam, Mr.Sivakumaran and Mr.Balachanthiren suspended and/or caused to suspend several of the CKCA members including, *inter alia*, Mr.Mayooran Velayuthampillai, Mr.Arulselvan Rasiah and Mr.Thirukkumaran Ganeshan for the very reason the suspended members of CKCA associated with the plaintiff;

- c. Mr.Nadarajah and Mr.Yogarajah suspended and/or threatened to Suspend Mr.Kulasingatharmarasa Nimalathan for the reason that he associated with the plaintiff, as a result, the plaintiff lost business opportunity in Ontario;
- d. Mr. Thavarajah threatened to alienate Mr.Kulasingatharmarasa Nimalathan from the Karainagar Community for the reason that he associated with the plaintiff;
- e. Mr.Amirthasingam removed Mr.Somasuntharam from the roll of group admin of the WhatsApp forum “Kalapoomy Education Development” for the reason that he associated with the plaintiff;
- f. denied access to those members of the defendant’s Associations who associated with the plaintiff in spite the fact that they are entitled to have access to the minute book, records, copy of Letters Patent or certificate of incorporation or other form of registration, all By-Laws and Special Resolutions, and a Register of members and directors of the Associations, all of which documents that should be kept at the head office of the Association and, during normal business hours of the Associations supposed to be open to inspection by the members, creditors of the Association, and any director, any of whom may make extracts therefrom; and
- g. denied the services to those who associates with the plaintiff,

are a few examples.

85) The plaintiff pleads that the defendants’ breach to their Associations’ bylaws is unlawful conduct that would give rise to a civil cause of action against the defendants by its members and its creditors.

INTIMIDATION

85.1) The plaintiff pleads that since mid-September 2020, the defendant Mr.Balachanthiren had been threatening the plaintiff that he would cause to publish more defamatory postings about the plaintiff if the plaintiff took any attempts whatsoever in securing the plaintiff’s interest in the estate of the plaintiff’s ancestors; as a result, the plaintiff ceased and desisted the reasonable enjoyment of the benefit of his

inheritance, which the plaintiff is entitled.

85.2) The plaintiff further pleads that the defendant Mr.Balachanthiren harassed and intimidated the plaintiff directly and through a third party entity known as ENATHU OOR KARAINAGAR.

DAMAGES

86) The plaintiff states that the defendants' conduct was calculated and aimed to bring about as much harm as possible to the plaintiff and bring financial, emotional and professional ruin to the plaintiff and ought to be visited with exemplary, punitive and aggravated damages.

87) The plaintiff states that the defendants have acted in a high-handed, outrageous, scandalous, oppressive, callous and malicious manner with intent to injure not only damage the plaintiff's character, reputation, but to damage plaintiff's economic and financial interests - all to obtain a personal, business and professional advantage and benefit for the defendants or any of them. As a result of these actions or the intentionally injurious manner in which the defendants have conducted themselves, the plaintiff is seeking for exemplary, punitive and aggravated damages.

88) The defendants engaged in an unlawful means Conspiracy, where the Conspiracy was to engage in unlawful conduct, including unlawfully interfering with the plaintiff's economic relations and defaming the plaintiff, with the knowledge that injury on the plaintiff was the likely result.

89) In the alternative, the defendants' predominant purpose of the Conspiracy and unlawful acts in furtherance of the Conspiracy was to injure the plaintiff by, including but not limited to, unlawfully interfering with his economic relations and defaming the plaintiff.

90) As a result of the Conspiracy and the acts taken in furtherance of the Conspiracy and the interference by the defendants with the legitimate business and professional expectations and contractual relations of the plaintiff, the plaintiff has suffered damages, losses, expenses and costs.

91) In furtherance of the Conspiracy, the defendants directed their servants and agents to perform wrongful or unlawful acts in furtherance of the Conspiracy, and the defendants have acted in concert by agreement or with a common design, which increased the harm.

92) The plaintiff proposes this action be tried in the City of Toronto in Ontario, Canada.

93) The plaintiff pleads and relies on Rule 17.02(g) and 17.02(p) of the Rules of Civil Procedure for service of this Amended Statement of Claim outside Ontario without leave.

December 13, 2021

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J/Karainagar Hindu College Old Students Association-Canada (Formerly known as
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Association-Canada);

Kandiah Kanagarajah;

Paramanantharajah Thambyayah;

Balachandran Sabaratnam aka Sabaratnam Balachandran;

Pirabakaran Paramalingam aka Pirapakaran Paramalingam;

Srinavasajendren Navaratnam;

Kanagasundaram Sivakumaran; and

Balachanthiren Ganeshapillai aka Ganeshapillai Balachanthiren.

Court File No.: CV-21-00673640-0000

MUTHU PONNAMPALAM
Plaintiff

-and-

CANADA-KARAI CULTURAL ASSOCIATION et al
Defendants

ONTARIO

SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED IN TORONTO

AMENDED STATEMENT OF CLAIM

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