

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2020

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP(PD).No.2908 of 2013

and

M.P.No.1 of 2013

R.Duraisamy

...Petitioner/Plaintiff

Versus

A.Palanivel

...Respondent/Defendant

PRAYER: This Civil Revision Petition has been filed under Article 227 of the constitution of India to set aside the fair and final order dated 20.12.2012, made in I.A.No.442 of 2011 in O.S.No. 80 of 2008, on the file of Sub Court, Bhavani.

For Petitioner : Mr.T.Murugamanickam
Senior Counsel
for M/s.Zeenath Begum
For respondent : Mr.A.Palanivel

ORDER

The plaintiff in the suit O.S.No.80 of 2008 is the revision petitioner herein.

2 This Civil Revision Petition has been filed against the order passed by the Sub Court, Bhavani, in I.A.No.442 of 2011 in O.S.No. 80 of 2008, dated 20.12.2012, whereby, the disputed

signature found in the suit pro-note was ordered to be sent for expert opinion to ascertain the age of the ink.

3 The petitioner/plaintiff has filed a suit in O.S.No. 80 of 2008 seeking recovery of money due on the pro-note to a sum of Rs.3,15,250/- along with interest, as the defendant has not chosen to pay the amount, the plaintiff filed the suit after issuance pre suit notice and claimed a sum of Rs.3,15,250/-, along with future interest. The defendants filed written statement disputing the age of the ink saying that it was subsequently anti dated. Thereafter, I.A.No. 442 of 2011 has filed to send the suit pro-note to the expert opinion for the Forensic Department to determine the age of the paper and ink through the Advocate Commissioner and the same was allowed. Aggrieved by the said order, the plaintiff has preferred the Civil Revision Petition alleging that no such facility is available or any scientific method is available in India to ascertain the age or year of the ink and relied upon decision reported in 2012 (5) CTC 596 - [K.Vairavan Vs. Selvaraj].

4 Taking into consideration the above facts and circumstances, it is to be stated that the Director of Central Forensic Scientific Laboratory has intimated to RTI that no such facility is

available in Hyderabad, no useful purpose would be served by sending the paper on the above text.

5 In view of the above, the order passed in I.A.No.442 of 2011 is set aside and the Sub Court, Bhavani, required to dispose of the suit in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6 In the result, the Civil Revision Petition is allowed with the above direction and the order passed in I.A.No.442 of 2011 in O.S.No.80 of 2008, by the Sub Court, Bhavani, is set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

22.01.2020

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Speaking Order:Yes/No सत्यमेव जयते

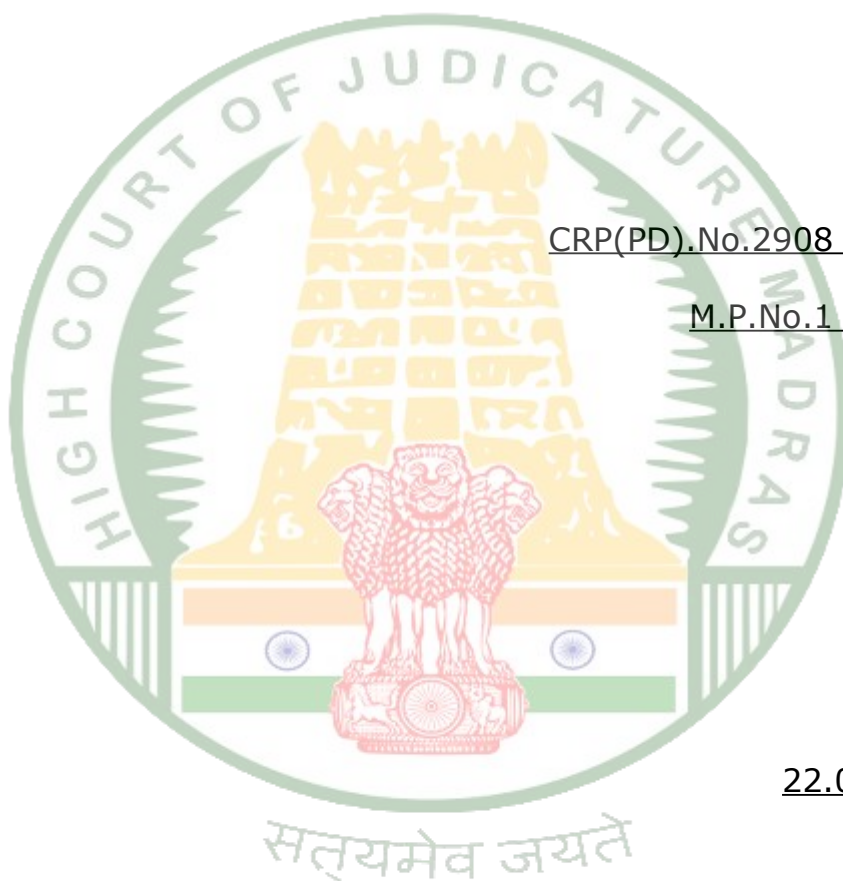
To
The Sub Court, Bhavani.

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RMT.TEEKAA RAMAN., J.

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