



*C.R.P(MD)No.513 of 2023*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.02.2023**

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**C.R.P(MD)No.513 of 2023**

**and**

**C.M.P(MD)No.2462 of 2023**

N.Periyasamy

... Petitioner/Petitioner/  
Respondent/Plaintiff

Vs.

P.Sathiyamoorthy

... Respondent/Respondent/  
Petitioner/Defendant

**PRAYER:** Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 15.12.2022 passed in I.A.No.1 of 2022 in I.A.No.482 of 2019 in O.S. No. 3 of 2019 on the file of the Principal District judge, Karur and allow the present Civil Revision Petition.

For Petitioner : Mr.V.Balaji



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**ORDER**

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The present revision petition has been filed by the plaintiff in a suit for recovery of money based upon two pro-notes.

2. The face value of the pro-note was Rs.11,00,000/- (Rupees Elecen Lakh only) and Rs.12,00,000/- (Rupees Twelve Lakh) as per the case of the plaintiff. However, the defendant had filed a written statement contending that a digit has been pre-fixed and there is a material alteration with regard to the face value of the pro-note. Based upon the said allegations, the pro-note was referred for expert opinion. The expert has submitted his opinion to the effect that the prefixes have been made with a different ink.

3. The learned counsel appearing for the petitioner has submitted that the expert has not given any opinion whether it was an interpolation or material alteration. He has simply given an opinion that prefixes have been made with a different ink. Based upon the said allegation, the plaintiff had filed an application to scrap the expert opinion. The said application was dismissed by the trial Court on the ground that the



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petitioner will have an opportunity to cross-examine the concerned expert and he can very well elicit about the validity of the observation made in the expert opinion. On the said findings, the trial Court had dismissed the application filed by the plaintiff to scrap the expert opinion.

4. The learned counsel for the petitioner had contended that the expert opinion is not specific with regard to the nature whether any alterations were made in the pro-note. The expert has not given his opinion based upon the directions issued by this Court in C.R.P(MD)No. 541 of 2020, dated 15.09.2020. Therefore, he prayed for scrapping the report of the expert.

5. This Court is of the opinion that the expert opinion is not binding upon the Court and the petitioner is always at liberty to cross-examine the expert. It is an admitted fact that the petitioner has already filed his objections to the expert opinion. If the petitioner wants to elicit certain things from the Commissioner, he can very well do by way of cross-examination of the expert. Therefore, I do not find any infirmity in the order passed by the trial Court. This is a report given by an expert.



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The question of scrapping the said report would arise only when there are allegations as against the expert. In the present case, no allegations have been made as against expert. The question of scrapping report would not arise.

6. With the said observations, this Civil Revision Petition is disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**27.02.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

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To

1.The Principal District judge,  
Karur.

2.The Record Keeper,  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**R.VIJAYAKUMAR ,J.**

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Order made in  
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