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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 03.04.2025

CORAM

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

**C.R.P.(PD)(MD)No.1083 of 2025**

**and**

**C.M.P(MD)No.5876 of 2025**

G.Karuppaih

...Petitioner/Petitioner/Defendant

Vs.

K.Jeyakodi

...Petitioner/Respondent/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Fair and Decretal order passed in I.A.No.576 of 2024 in O.S.No.255 of 2021, on the file of the Sub Court, Usilampatti, dated 13.12.2024 and allow the Civil Revision Petition.

For Petitioner : M/s.K.Gokul

\* \* \* \* \*

**ORDER**

The defendant in O.S.No.255 of 2021, on the file of the Sub Court, Usilampatti, has filed the present revision petition challenging the dismissal of his application for sending the suit pro-note for expert opinion to find out the age of the ink which was used by the plaintiff to fill up the pro-note.

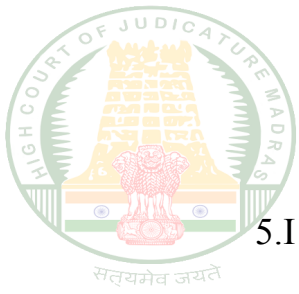


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2.A perusal of the records reveal that the suit has been filed by the plaintiff for the relief of recovery of money based upon a pro-note, dated 10.10.2019. The defendant has filed written statement contending that he had signed the pro-note in January 2005. However, it has been filled up by the plaintiff in October 2019, and the present suit has been filed.

3.According to the defendant, the age of the ink used for filling up the pro-note has to be found out by sending the pro-note for expert opinion. This application has been dismissed by the trial Court relying upon the judgment of our High Court reported in **2008 (1) CTC 491**. Challenging the same, the present revision petition has been filed.

4.According to the learned Counsel appearing for the revision petitioner, the borrower has signed the pro-note only in January 2005. However, it has been filled up by the plaintiff in October 2019 and the suit for recovery of money has been filed. In case, if it is sent for expert opinion, it can be proved that it was filled up only in the year 2019.



5.I have considered the submissions made on either side and perused the materials available on record.

6.The defendant in his written statement had admitted his signature found in the suit pro-note. However, it is the case that he has signed the pro-note only in January 2005, and therefore, the suit is barred by limitation. Hence, he has prayed for sending the said documents for expert opinion.

7.The trial Court has rightly relied upon the judgment of this Court reported in **2008 (1) CTC 491** wherein this Court has held that the age of the ink cannot be determined by an expert with scientific accuracy.

8.In view of the above said position of law, the trial Court has rightly rejected the application filed by the defendant. Therefore, there are no merits in the revision petition. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

**03.04.2025**

Internet: Yes/No  
Index: Yes/No  
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**R.VIJAYAKUMAR, J.**

RJR

To

The learned Sub Judge,  
Usilampatti.

**Copy to:-**

The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court, Madurai.

**C.R.P.(PD)(MD)No.1083 of 2025**

**03.04.2025**