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C.R.P.(MD) No.2818 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	15.11.2024
Pronounced on	06.01.2025

CORAM

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.R.P.(MD) No.2818 of 2024

and

C.M.P.(MD) No.16014 of 2024

Selladurai
S/o.Chellasley

... Petitioner

Vs.

Kesavan
S/o.Karuppan

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order passed in I.A.No.1 of 2024 in O.S.No.36 of 2022 dated 04.09.2024 on the file of the Subordinate Court, Mudukulathur.

For Petitioner : Mr.M.Jerin Mathew

For Respondent : Mr.V.Murugan

ORDER

This Civil Revision Petition has been filed against the order dated 04.09.2024 passed by the Subordinate Court, Mudukulathur, in I.A.No.1 of 2024 in O.S.No.36 of 2022.



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2. The respondent, as plaintiff, filed the suit in O.S.No.36 of 2022 for recovery of money. During the pendency of the suit, the revision petitioner/defendant filed an application in I.A.No.1 of 2024 for sending the promissory note (Ex.P1) dated 07.07.2019 for expert opinion, in order to prove that the letter/numeric '0' had been inserted at a later point of time. However, the trial court dismissed the application, stating that there is no mechanism to determine the age of the ink. Aggrieved by the same, the present Civil Revision Petition has been filed.

3. The learned counsel for the revision petitioner/defendant would submit that the application has been filed only to ascertain the sequence of time in which the writings were made on the promissory note (Ex.P1), and that the same can be determined by experts.

4. He further submits that this Court, in its judgment in ***P.Sathiyamoorthi v. N. Periyasamy***, dated 15.09.2020, passed in C.R.P. (PD) (MD) No.541 of 2020, relying upon the judgment of this Court in ***Vijayamma v. P. Palani***, in Crl. R.C. No. 173 of 2013, held that the opinion of hand writing expert to ascertain which one was written first



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and which one was written next is possible, and that the said judgment is applicable to the present case. He would therefore pray for a direction to the trial court to send the promissory note (Ex.P1) for expert opinion.

5. Per contra, the learned counsel for the respondent/plaintiff would submit that no correction or insertion was made in the promissory note (Ex.P1), that the age of the ink cannot be ascertained even by an expert, and that the trial court has correctly dismissed the application, which warrants no interference by this Court.

6. Heard on both sides. Records perused.

7. The contention of the revision petitioner/defendant is that there is an insertion in the promissory note (Ex.P1) and, therefore, it is necessary to send the promissory note (Ex.P1) for expert opinion to ascertain whether the insertion occurred after its execution. The trial court, in the impugned order, has clearly observed that the signature on the promissory note (Ex.P1) was not disputed by the revision petitioner/defendant; that the dispute pertains only to the insertion of letters in the said promissory note (Ex.P1); and that the expert cannot ascertain the age of the ink, as



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there is no mechanism or scientific method to determine the age of the ink. Therefore, the trial court has rightly dismissed the application, which warrants no interference by this Court. Accordingly, the impugned order is confirmed, and this Civil Revision Petition is liable to be dismissed.

8. In the result, this Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, the connected Miscellaneous Petition is closed.

06.01.2025

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order/Non-Speaking Order

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Copy To:

The Subordinate Judge,
Mudukulathur,
Ramanathapuram District.



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K.GOVINDARAJAN THILAKAVADI, J.

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Pre-Delivery Order made
in
C.R.P.(MD) No.2818 of 2024
and
C.M.P.(MD) No.16014 of 2024

06.01.2025