

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Petition No.1000 of 2014

and

MP.No.1 of 2015

M.Palanisamy

.. Petitioner

Versus

1. Guruvaal
2. Minor Sivagamai
3. Dean

Rajiv Gandhi Government General Hospital
Chennai.

.. Respondents

R3(impleaded suo motu as per the order of
this Court dated 10.2.2015)

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. to call for the records in M.C.No.1 of 2014 on the file of the Family Court, Erode, Erode District and to set aside the same.

For Petitioner : Mr.P.M.Pratap

For respondent : Mr. M.Guruprasad for R/1 &2

ORDER

The revision has been filed against the order dated 09.7.2014 passed by the Family Court, Erode, Erode District in MC.No.1 of 2014.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

3. By consent of both sides, DNA test is directed to be conducted by this Court to ascertain the paternity of the 2nd respondent Sivagami, aged about 23 years.

4. Today, when the matter is taken up, the third respondent, namely, the Dean, Rajiv Gandhi Government General Hospital, Chennai - 3, submitted a report in sealed cover.

5. In the report, it is stated as follows:-

"(i) the cumulative probability of paternity of Mr.S.M.Palanisamy for being the father of Mrs.P.Sivagami is found to be 99.9999996%

(ii) the cumulative chance of exclusion of any random man from the paternity of Mrs.P.Sivagami is 99.9999999999999%

Conclusion: From the DNA typing results of the above samples, it is found that in the absence of identical twins, Mr.S.M.Palanisamy is the biological father of Mrs.P.Sivagami."

As per the report, it is clear that the second respondent is born to the petitioner herein. Therefore, I am of the view that the petitioner is bound to pay maintenance to the second respondent at the rate of Rs.4,000/- p.m. for the total period of 69 months, which would be Rs.2,76,000/-. Since the petitioner has denied the very paternity and the same has been now proved beyond reasonable doubt, he is directed to pay the lump sum amount of Rs.3,00,000/- in full quit directly to the second respondent by way of Demand Draft within a period of six weeks from the date of receipt of a copy of this order. If the petitioner fails to pay the above said sum within the stipulated period, necessary proceedings shall be initiated against him.

6. With the above direction, the Criminal revision case is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Family Court, Erode,
Erode District

2. The Government Advocate (Criminal side)
Madras.

+1 cc to M/s.C.E.Pratap, Advocate (sr.55512)

+1 cc to M/s.M.Guruprasad, Advocate (sr.55882)

Cr1 RC No.1000 of 2014