

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

**C.R.P.(PD).No.2817 of 2014
and M.P.No.1 of 2014**

A.Muthu Anumanthan

... Petitioner

Vs.

M.Prema

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed by the III Additional Principal Judge, Family Court, Chennai, in I.A.No.501 of 2014 in O.P.No.1949 of 2011 dated 30.05.2014.

For Petitioner : Mr.T.G.Balachandran

ORDER

Challenging the fair and decreetal order passed in I.A.No.501 of 2014 in O.P.No.1949 of 2011 on the file of the III Additional Principal Judge, Family Court, Chennai, the petitioner, who is the husband of the respondent has filed the above Civil Revision Petition.

2.The petitioner filed the Original Petition in H.M.O.P.No.1949 of 2011 for divorce on the ground of cruelty. The said Original Petition is being

contested by the respondent on various grounds. In the said Original Petition, the petitioner/husband filed an application in I.A.No.501 of 2014 seeking for a direction to the respondent to produce the minor child Hemasree to undergo DNA test. The said application was opposed by the respondent/wife. The Family Court, after taking into consideration the case of both parties, dismissed the application, finding that the petitioner has filed the present application only after the respondent/wife filed petition under Section 24 of the Hindu Marriage Act.

3.The learned counsel appearing for the petitioner submitted that the child, which was produced before the Court, was not his child and therefore, there is necessity for the child to undergo DNA test.

4.When the subject matter of the Original Petition is for divorce on the ground of cruelty and when there is not even a single word heard with regard to the paternity of the child, I am of the considered view that the present application was filed by the petitioner/husband only to cause harassment to the respondent/wife. The Family Court has considered all these aspects and rightly dismissed the application.

5.I do not find any error or irregularity in the order passed by the Family Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed.

6.Since the Original Petition is pending from the year 2011, I direct the III Additional Principal Judge, Family Court, Chennai, to dispose of the Original Petition, on merits and in accordance with law, within three months from the date of receipt of a copy of this order.

7.In these circumstances, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
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03.06.2015

To

The III Additional Principal Judge,
Family Court,
Chennai.

M.DURAIWAMY,J.
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