

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

**CR No.1023 of 2015**

**Date of Decision:-12.02.2015**

**Rajiv**

.....Petitioner.

Versus

**Meetu Bharti.**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH**

Present:- Mr. Dalip Kumar Tuteja, Advocate for the Petitioner.

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**JASWANT SINGH, J.(ORAL)**

Petitioner-husband is in revision aggrieved by the order dated 2.2.2015 passed by the learned Additional District Judge, Rohtak whereby the application of the husband for directing the wife to get her virginity test conducted has been dismissed.

In brief, the parties were married in December 2009. The respondent-wife has filed a petition under Section 12 read with Section 13 of the Hindu Marriage Act, 1955 for annulling the marriage by a decree of nullity on the ground that the marriage has not been consummated owing to the impotency of the husband, besides the ground that she had been treated with cruelty. The husband/petitioner has controverted the allegations and asserted that the marriage of the parties was duly consummated. It is further averred that on the application of the wife a Board of Directors of the PGIMS, Rohtak was constituted to medically examine the

husband/petitioner regarding his impotency and a report in favour of the husband has since been submitted. Thereafter while cross examining the wife, she had volunteered to undergo her virginity test and, therefore, an application for constitution of medical board to conduct her virginity test was moved, which has been declined vide the impugned order.

Having heard learned Counsel for the petitioner-husband, this Court finds no illegality in the impugned order. In the opinion of this Court that to decide the main issue between the parties, it is not necessary for the wife to have a virginity test, which in any case is not the only proof of non consummation of marriage. Learned trial Court has rightly held that medical examination of a women for virginity would certainly violate her right of privacy enshrined under Article 21 of the Constitution, which otherwise is not relevant for deciding the main issue between the parties, apart from the fact that it is not for the courts to conduct a roving inquiry.

At this stage, during dictation of the order, learned Counsel for the husband prays for permission to withdraw the revision petition.

Dismissed as withdrawn.

**( JASWANT SINGH )**  
**JUDGE**

**February 12, 2015**  
Vinay