

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR No.1566 of 2015
Date of Decision: 04.03.2015**

Mohinder Pal

...Petitioner

Versus

Bimla Rani

...Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vijay Lath, Advocate for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 03.12.2014 whereby, application moved by the petitioner for getting Deoxyribonucleic Acid Test of the children namely Laxmi Devi, Lovely, Hussan Pal and Bhushan Kumar, was dismissed.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Petitioner has filed a petition under Section 13 of the Hindu Marriage Act, 1955, seeking a decree of divorce. During the pendency of the petition, petitioner moved an application for issuance of direction to the respondent to produce children namely Laxmi Devi, Lovely, Husan Pal and Bhushan Kumar for giving their blood samples for conducting Deoxyribonucleic Acid Test. The said application was dismissed. Hence, the present petition.

A perusal of the divorce petition Annexures P1 reveals that the petitioner has sought divorce on the ground of cruelty. Although,

petitioner has also levelled allegations that the respondent was having illicit relations with his brother Jaspal and some other persons of the village, but Jaspal or any other person with whom respondent was allegedly having illicit relations have not been impleaded as respondent. In order to get divorce on the ground of adultery, petitioner was required to implead the persons with whom his wife was allegedly having illicit relations.

In the facts and circumstances of the present case, learned trial Court has rightly held that the petitioner is to lead his evidence in support of his plea and the Court process cannot be used to collect evidence on his behalf. In these circumstances, the learned trial Court has rightly dismissed the application moved by the petitioner for conducting Deoxyribonucleic Acid Test vis-a-vis children namely Laxmi Devi, Lovely, Hussan Pal and Bhushan Kumar. No ground for interference is made out.

Dismissed.

March 04, 2015

Manoj Bhutani

**(SABINA)
JUDGE**