

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14539 of 2013

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Awadhesh Prasad, Son Of Late Ganesh Mahto, Resident Of Village : Balwapar,
P.O. : Masudha, P.S. : Nadriganj, District : Nawada

.... Petitioner

Versus

Shobha Devi Daughter of Kuleshwar Prasad, Resident Of Village + P.O. :
Bishunpur, District : Nawada

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Ramesh Singh, Advocate

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 05-12-2016

Heard Mr. Ramesh Singh, learned counsel appearing for
the petitioner.

By the impugned order the learned court below has
turned down the prayer of the petitioner for verification of the
paternity of child born to his wife, through DNA test.

The proceeding in the court below has been initiated on
the petition filed by the admitted wife of the petitioner under Section
125 Cr.P.C. The petitioner filed a petition praying for paternity test of
the child born to the wife during the pendency of the miscellaneous
case arising out of the petition filed by the wife-respondent under
Section 125 of the Cr.P.C. The learned court below has come to the
finding that the prayer made on behalf of the petitioner was not



legally tenable and has accordingly rejected the same.

After considering the submissions and in view of the admitted fact that the respondent is the wife of the petitioner, this court does not find any illegality or material irregularity in the impugned order refusing DNA test of the child born to the respondent during the pendency of the miscellaneous case under Section 125 of the Cr.P.C. From the impugned order, it further also appears that the petitioner is in the habit of filing frivolous petition and, therefore, learned court below has directed the petitioner to complete the evidence to be led on his behalf.

In the aforesaid background, this court is not inclined to interfere in the impugned order. The application, accordingly, dismissed with direction to the learned court below to complete the hearing of the proceeding and dispose it of at the earliest in accordance with law in view of the nature of the proceeding being under Section 125 of the Cr.P.C.

(V. Nath, J.)

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