

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14076 of 2012

=====

1. Munni Devi D/O Sri Dwarika Prasad, W/O Sri Kaleshwar Paswan R/O Mohalla-Budhauli, Ward No. 17, Nagar Parishad, Sheikhpura, P.O. & P.S. And District-Sheikhpura

.... Petitioner/s

Versus

1. The State Of Bihar Through The Home Secretary, Government Of Bihar, Patna
2. Director General Of Police, Patna
3. Inspector General Of Police, Muzaffarpur
4. Deputy Inspector General Of Police, Bettiah, West Champaran
5. Superintendent Of Police, E. Champaran
6. Superintendent Of Police, Crime Investigation Department, Bihar, Patna
7. Mahila Aayog, Through Its Chair Person Kahkashan Parveen, South Bailey Road, Patna (Near High Court), Patna
8. Smt. Kahkashan Parveen Chairperson, Bihar State Mahila Aayog, South Bailey Road, (Near High Court), Patna
9. Sri Kaleshwar Paswan S/O Late Dukhan Paswan Resident Of Village- Panapur, Dilawarpur, P.O. Madhura P.S. Bidupur, District- Vaishali At Present B- 25, Noorani Bagh Colony, Near Alamganj Police Outpost, P.O. Gulzarbagh, P.S. Alamganj, District- Patna Presently Posted As Sub-Divisional Police Officer, Chakia, Motihari (East Champaran)

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shabbir Ahmad, Advocate
For the Respondent No.9 : Mr. Bindhyachal Singh, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 22-06-2016

Heard Mr. Shabbir Ahmad for the petitioner and Mr.

Bindhyachal Singh for the respondent no.9.

The petitioner has knocked the doors of this Court to challenge the order dated 13.4.2012 passed by the Chairperson of the Bihar State Women Commission, Patna (for short ‘the Commission’) in case no. 1632 of 2006. A further prayer is made to direct the



concerned respondent for conducting the DNA test of respondent no.9 in order to test/ verify the paternity of the child which is allegedly born to her of the marriage between the petitioner and the respondent no.9. The case was raised before the Commission by the petitioner wherein diverse orders were passed and ultimately by order dated 13.4.2012 it was disposed of leaving the parties to agitate the claim before the Court where the matrimonial dispute at the instance of the petitioner vide Matrimonial case no. 770 of 2009 is pending in which the respondent no.9 has already appeared

Mr. Bindhyachal Singh has opposed the application relying on (**Bhabani Prasad Jena vs. Convenor Secretary, Orissa State Commission for Women & Anr.**) (2010)8 SCC 633 wherein the Apex Court did not approve any such order directing DNA test by the High Court. Unquestionably, a matrimonial dispute between the petitioner and the respondent no. 9 is pending before the learned Family Court. Any such grievance can be raised before the said Court /forum for consideration and disposal . The Court would only record a note of caution that any such order directing DNA test is to be passed/made only upon making out a strong prima facie case and that too by the competent Court upon appraisal of evidence.

Seen thus, I do not find any merit in the present writ petition. The same is dismissed. Petitioner shall be at liberty to

ventilate her grievance before the Court where the lis is pending between her and the respondent no.9.

(Kishore Kumar Mandal, J)

Shyam/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	09-07-2016
Transmission Date	