

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 377 of 2016

- Ravikant Dubey S/o Ayodhya Prasad Dubey, Aged About 43 Years
R/o Village Kushalpur Pahadi Chowk, P.S. Purani Basti Raipur, Civil
And Revenue District Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. Smt. Ranjana D/o Hari Om Dixit, Aged About 43 Years R/o Village
Tilda, P.S. Simga, Civil And Revenue District Raipur, (Chhattisgarh)
2. Khileshwar Dubey @ Anant Dubey, Aged About 4 Years Minor
Through His Legal Guardian Mother Smt. Ranjana Dubey, R/o Village
Tilda, P. S. Simga, Civil And Revenue District Raipur (Chhattisgarh)

---- Respondent

For Petitioner

Shri C. K. Sahu, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

22/06/2016

1. In a proceeding under Section 125 of Cr.P.C. before the Family Court, Raipur, the trial Court passed an order on 28.05.2014 directing DNA test of the child allegedly born out of the marriage between the petitioner and respondent No.1. Such order was passed for the reason that the petitioner was denying marriage between him and respondent No.1 as also the paternity of the respondent No2.
2. At the time of passing the order on 28.08.2015, the Family Court had put a condition that in the event the DNA test is positive, the petitioner would bear the expenses and in the event, it is negative, the respondent No.1, wife of the petitioner would bear the expenses.

3. It appears, as the petitioner was not able to bear the expenses of DNA test, he has moved an application to direct holding of DNA test at the State expenses.
4. Admittedly, the condition imposed in the order dated 28.08.2015 was not challenged before any higher Court and thus the same has attained finality, therefore, such application for conducting DNA test at the State expenses is in the nature of seeking review of the earlier order.
5. In the considered opinion of this Court, the Family Court has not committed any such illegality or irregularity while passing the impugned order, which would warrant exercise of extraordinary power under Article 227 of the Constitution of India.
6. There is no substance in this petition, it fails and is hereby dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala