

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2113 OF 2016

Mrs. Mangal Sanjay Padale

alias Miss Mangal Rakhmaji Salve

.. Petitioner

Versus

Shri. Priyesh Puthen Veedu

.. Respondent

Shri. S. J. Ghogare, for the Petitioner.

CORAM : R.M. SAVANT, J.

DATE : 28th MARCH 2016

PC.

1. The writ jurisdiction of this Court is invoked against the order dated 11.01.2016 passed by the Learned Principal Judge, Family Court No.1, Pune, by which order, the application Exh.35 filed by the Petitioner to subject the Respondent herein who is the husband to a DNA test came to be rejected.

2. The said rejection is on the ground that the paternity of the child Atharva is not in contention in the proceedings between the parties. The Respondent husband is claiming a declaration of nullity of marriage in the proceedings in question. He has also claimed an injunction that the Petitioner should be restrained from claiming to be the legally wedded

wife of the Respondent. As indicated above, the Trial Court has primarily rejected the application on the ground that the question of paternity of the child does not arise as there are no pleadings in that behalf. In my view, having regard to the well settled principles applicable to the grant of a DNA test, the order passed by the Learned Principal Judge of the Family Court, Pune, is unexceptional and calls for no interference in the writ jurisdiction of this Court. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]