

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.09.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2278 of 2016 and
CMP.No.11803 of 2016

P.Periyasami

...Petitioner

versus

1.Karthikeyan

2.Dharmalingam

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 09.02.2016 made in I.A.No.426 of 2015 in O.S.No.184 of 2015 on the file of the First Additional Subordinate Judges Court, Erode.

For Petitioner : Mr.P.Srinivas

For Respondents : Mr.P.Muthukumarasamy

ORDER

The petitioner filed an application before the Trial Court to refer the respondents for medical examination, more particularly, to undergo DNA Test. The application was dismissed by the learned Trial Judge. The said order is under challenge in this Civil Revision Petition.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

3. The respondents filed a suit for partition. The suit was contested by the petitioner by filing written statement. The petitioner filed an application directing the respondents to undergo DNA Test. The respondents are said to be the children of the petitioner, aged about 38 and 35 years respectively. Even according to the petitioner, his wife left only about 20 years back. The children were born long before. Such being the factual position, the learned Judge was perfectly correct in dismissing the application filed by the petitioner. I do not find any error or illegality in the said order warranting interference by this Court.

4. In the up shot, I dismiss the Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

21.09.2016

Index : Yes/No

svki

To

The First Additional Subordinate Court, Erode.

K.K.SASIDHARAN, J.

(svki)

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