

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

C.R.P.[PD] No.418 of 2016
and C.M.P.No.2219 of 2016

S.Karunanithi

... Petitioner

Vs

Lakshmidevi

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order in I.A.No.486 of 2015 in H.M.O.P.No.25 of 2015 dated 16.12.2015 on the file of the Family Court, Villupuram.

For Petitioner : Mr.N.Suresh

ORDER

The husband, who filed a petition for divorce against his wife on the ground of cruelty, desertion and adultery, after unsuccessfully prosecuting an interlocutory application for conducting a DNA test of the children of the couple who are three in number, has knocked the doors of this Court with the present Civil Revision Petition filed under Article 227 of the Constitution of India.

2. The interlocutory application filed by the petitioner-husband for DNA test of the children to find out the paternity of the children was dismissed by the trial Court by the order dated 16.12.2015 which is impugned in this revision, holding that such DNA test cannot be conducted which will have the effect of making the children illegitimate, if the result comes against them. Furthermore in this case, no averment has been made in the main H.M.O.P. to the effect that the respondent-wife had given birth to any child of another man. On the other hand, the petitioner has clearly admitted the children to be his own. Having made such admission, the choice of the petitioner to seek DNA test of the children will show the dirt with which his mind is labouring. The learned trial judge has not committed any error in not exercising the discretion to order for DNA test of the children and it is in tune with the decided cases.

3. This Court does not find any room for interfering with the same in exercise of its power of superintendence over the subordinate courts under Article 227 of the Constitution of India. Accordingly, the Civil Revision Petition is dismissed at the threshold. No costs. Consequently, connected Miscellaneous Petition is closed.

26.02.2016

Index: Yes/No
Internet: yes/No
gya

To
The Judge,

Family Court, Villupuram.

P.R.SHIVAKUMAR, J.

gya

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