

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.475 of 2017**

Sushil Manhare S/o Heera Lal Manhare, Aged About 25 Years R/o Village Sewati, Police Station And Tahsil Bilha, District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. Smt. Mohani Manhare W/o Sushil Manhare Aged About 23 Years R/o Ward No. 08, Bilha, Police Station And Tahsil Bilha, District Bilaspur, Chhattisgarh.
2. Saket Kumar S/o Sushil Manhare Aged About 5 Years R/o Ward No. 08, Bilha, Police Station And Tahsil Bilha, District Bilaspur, Chhattisgarh.

--- Respondents

For Petitioner : Mr. B.L. Sahu, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

14/07/2017

(1) The Family Court, Bilaspur by its order dated 06.05.2017 has rejected the petitioner's application for DNA Test of the respondent No.2-Saket Kumar against which this petition under Article 227 of the Constitution of India has been filed by the petitioner herein.

(2) Learned counsel appearing for the petitioner would submit that the Family Court has committed jurisdictional error in rejecting the application for DNA Test.

(3) The Family Court has clearly recorded a finding that there is no pleading that respondent No.2-Saket Kumar is not the son of the

petitioner and as such no case is made out to hear the matter.

(4) In the matter of **Dipanwita Roy v. Ronobroto Roy**¹, Their Lordships of the Supreme Court have clearly held that only in the exceptional case, DNA test should be directed.

(5) In view of the principle of law laid down by the Supreme Court in the matter of **Dipanwita Roy** (supra), this Court is not inclined to entertain the instant writ petition. Consequently, the writ petition deserves to be and is accordingly dismissed.

SD/-

(Sanjay K. Agrawal)
Judge

L/-

1 AIR 2015 SC 418