

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) No.3261 of 2017
and C.M.P.No.15218 of 2017

J.Ranjith

... Petitioner

Vs.

P.Kavi Priya

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to number the unnumbered I.A.No. of 2017 in C.F.R.No.2502 of 2017 in F.C.O.P.No.277 of 2016 pending on the file of the Family Court, Erode.

For Petitioner : Mr.M.V.Venkataseshan

ORDER

This Civil Revision Petition is directed against the rejection of unnumbered I.A. of 2017 filed by the petitioner/husband to compel the respondent/wife to undergo medical test to prove that she has aborted the child.

2. It is contrary to the principles of natural justice and judgment of the Apex Court. Every person has personal liberty and right to live with dignity and when the respondent has refused, she cannot be compelled to undergo medical test to prove the case of the other side. If at all, a person refuses to subject himself/herself to medical examination, the other party can always prove his/her case by appropriate documentary evidence or even pray to the Court for granting divorce. On the other hand, no body can compel a person, to prove the case, to undergo medical test before the Court. In the instant case, the husband compels the wife to undergo medical examination/test to prove his case. The Courts, normally, will not entertain such petitions unless, it is an extraordinary circumstance or such process is vital to the case. Therefore, I do not find any merit in this Civil Revision Petition.

3. Accordingly, this Civil Revision Petition is dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

14.09.2017

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To

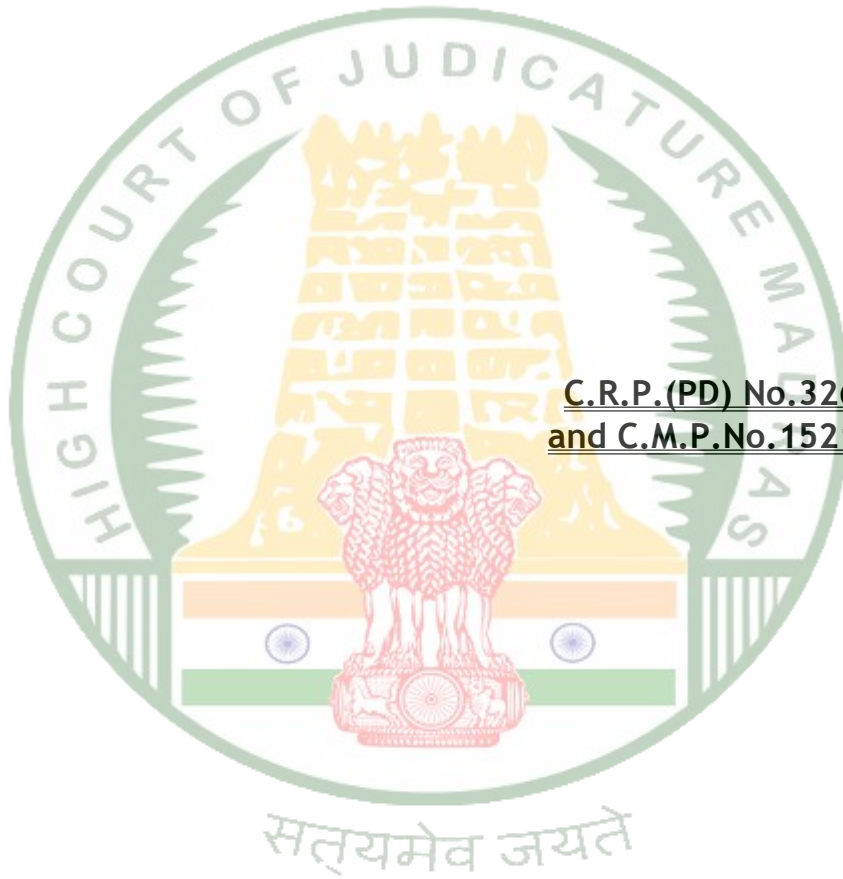
The Family Court, Erode.



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M. GOVINDARAJ, J.

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