

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.7944 of 2017
Date of decision : 14.11.2017

Ajit Singh and another

...Petitioners

Versus

Virender Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navneet Singh, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs are in revision petition against the order dismissing the application for DNA Profiling Test of blood samples of appellant No.1 and respondent No.1.

Learned First Appellate Court has dismissed the application after noticing that Umed Singh, the alleged father has already died.

It is well settled that DNA Profiling Test cannot be ordered in routine. Dispute in the present case is with respect to the property and the plaintiffs have challenged the release deed executed by his grandfather and a gift deed executed by his father.

Learned trial Court after appreciating the evidence available on the file has already dismissed the suit filed by the plaintiffs.

It has been held by the Hon'ble Supreme Court in the case of *Gautam Kundu Vs. State of West Bengal, (1993) 3 SCC 418*, that the Courts

would not in normal circumstances ordered DNA Profiling Test. In the present case, the parameters laid down in the aforesaid judgment do not stand complied with.

Still further, before the First Appellate Court, the evidence cannot be led as a matter of right. There is no application for additional evidence.

For the reasons recorded above, there is no ground to interfere in the present revision petition.

Revision petition is dismissed.

14.11.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No