

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.821 of 2017
Date of decision: March 02, 2017

Joga Singh ...Petitioner

Versus

Manjeet Kaur alias Maninder Kaur ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Manu Loona, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 24.8.2016, passed by the trial court, whereby application for conducting DNA test of the respondent/plaintiff for determination of her paternity and maternity, filed by the petitioner has been dismissed.

Learned counsel for the petitioner has assailed the order. He submits that approach of the trial court is erroneous and against law. In order to know paternity and maternity of the respondent/plaintiff, her DNA test was necessary.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears that a suit for declaration was filed by the respondent/plaintiff against the petitioner/defendant to the effect that she is the sole daughter of late Joginder Singh son of Kausar Singh and she is real legal heir to inherit land measuring 24 Kanals 15 Marlas i.e. 1/2

share of 49 Kanals 14 Marlas, situated in village Ratta Khera, District Fazilka. She challenged mutation of inheritance of Joginder Singh. Consequential relief of permanent injunction was also sought, restraining defendant from using or transferring the land in dispute in any manner. Defendant contested the suit alleging the respondent/plaintiff was not real daughter of Joginder Singh. During pendency of suit, defendant filed an application for conducting DNA test of plaintiff Manjeet Kaur. Same was dismissed by the trial court. I am of the considered view that no case for DNA test is made out merely because plaintiff is denying that respondent is daughter of Joginder Singh. The court below has rightly dismissed the application. I find no infirmity with the order. Revision petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

March 02, 2017
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No