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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.130 OF 2018
IN
FAMILY COURT APPEAL NO. 220 OF 2016

Sheetal Patadia & Anr. ...Applicants/Appellants
vs
Mithun Patadia ...Respondent.

.....
Mr Swapana P. Kode for the Applicants/Appellants.
Mr Rohan Cama i/b Sapana Rachure for the Respondent.
.....

**CORAM : K.K.TATED &
B.P.COLABAWALLA, JJ.
APRIL 27, 2018.**

P.C.:

Heard learned counsel for parties.

2 After hearing both sides, both the learned counsel submit the consent minutes of order dated 27th April, 2018, duly signed by the respective advocates as well as their parties. The consent minutes are taken on record and marked "X" for identification, which reads thus-

"1) Without prejudice to his rights and contentions and without admitting any of statements or allegations made in the Civil Application the Respondent is

agreeable to the DNA test to be carried out by 1.DNA LABS INDIA having address at #3-9-874/1/A/5, 2nd Floor, Times Square building, Barkatpura, Hyderabad-500027 and 2. DNA Forensics Laboratory Pvt. Ltd. having address at 44F/9 Rajendra complex, Kishangarh, Vasant Kunj, New Delhi-110070 to ascertain the paternity of the Applicant No.2.

2) Mr.D.S. Choudhari, Associate of this Court is appointed as Court Commissioner to accompany the parties for conducting the DNA test and the parties shall inform him of the logistics on or before 7th may, 2018. The parties shall equally bear the charges of Court Commissioner.

3) The Report shall be submitted in sealed cover by 1.DNA LABS INDIA and 2. DNA Forensics Laboratory Pvt. Ltd to the Registrar Judicial, High Court, Bombay on or before 22nd June, 2018, without a copy being provided to any of the parties, until further orders of the Court.

4) It is agreed that the DNA test shall be carried out on Wednesday 9th may, 2018 at a time and sequence to be mutually decided between the Advocates for both the sides.

5) The cost of DNA to be conducted by DNA LABS INDIA shall be borne by the Respondent and the test to be conducted by DNA Forensics Laboratory Pvt. Ltd shall be borne by the Applicant No. 1.

6) This Court has not expressed any opinion on the merits of the parties' case.

7) The Civil Application stands disposed off.”

3 All the parties to act on the authenticated copy of this order.

4 The Civil Application is disposed off.

5 No order as to costs.

(B.P.COLABAWALLA, J.)

(K.K.TATED, J.)