

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE No.2862 of 2018

ORDER:

This Criminal Revision Case is arising out of the Order dt. 17.09.2018, in CrI.M.P.No.89 of 2018, in M.C.No.2 of 2017, passed by the Judge, Family Court-cum-VIII Additional Sessions Judge, Mahabubnagar.

02. Originally, the respondents- Smt A. Nirmla, and Kumari Akshya have filed M.C.No.02 of 2017 claiming compensation of Rs.5,000/- per month for each of them against the Revision Petitioner. The Revision Petitioner has filed his counter and contested the matter, denying his marriage with respondent No.1, filed I.A.No.89 of 2018 denying her concern with Respondent No.1, and her daughter/ Respondent No.2.

03. It is the case of the petitioner that the opinion given in the DNA Report-Ex.A.6 is vague and therefore filed the present Petition to direct the respondents to undergo DNA examination to determine the paternity of respondent No.2. The opinion of the DNA Test reads thus:

“ From the DNA profiling results of the above individuals and from the interpretations thereof: A. Shravan Kumar (represented by Exhibit-A) cannot be excluded as the biological father of the female child Akshaya (Exhibit-C) of Nirmla Saroday (Exhibit-B).”

04. Mr. Shravan Kumar is the petitioner in CrI.M.P.No.189 of 2018 and Kumari Akshaya is the respondent No.2. There is no ambiguity in the report. There is no material placed before this Court that the report is not authentic for rejecting the same.

05. Having regard to the facts and circumstances of the case, there are no valid reasons to interfere with the Order dt. 17.09.2018 in CrI.M.P.No.89 of 2018 in M.C.No.02 of 2017 passed by the Judge, Family Court, Mahabubnagar, and this is not a fit case for admission. However,

liberty is given to the petitioner to file a petition, if so advised, for DNA Test before the trial Court in case if it is necessary after recording the evidence of witnesses. The petitioner is also given liberty to file a petition to summon the Expert, for examination of witness relating to Ex.A.6/DNA Report.

06. Accordingly, this Criminal Revision Case is dismissed.

Miscellaneous Petition, if any pending, in this case, shall stand dismissed.

GUDISEVA SHYAM PRASAD, J

Date: 26-10-2018
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