

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.7019 of 2018

29.11.2018

Between:

Koilada Jagga Rao and another

..Petitioners

and

Koilada Beena and others

..Respondents

Counsel for the petitioners: Mr.P.Shashi Kiran

Counsel for the respondents: --

The Court made the following:



ORDER:

This civil revision petition is filed against order, dated 05.11.2018, in I.A.No.967 of 2018 in M.V.O.P.No.916 of 2012 on the file of learned XIII Additional District Judge, Gajuwaka.

2. Respondent No.1 filed M.V.O.P.No.916 of 2012 on behalf of herself and also on behalf of respondent No.2 - her minor son, claiming compensation for the death of her husband *viz.*, Murali Mohan (hereinafter referred to as 'the deceased'). The petitioners, being the parents of the deceased, initially filed an application for their impleadment in the said M.V.O.P. and after they were impleaded, they got themselves transposed as petitioner Nos.3 and 4 in the said M.V.O.P. While so, the petitioners have filed I.A.No.967 of 2018 under Section 45 of the Indian Evidence Act, 1872 (for short 'the Act') to direct respondent No.2 to undergo D.N.A. test with the help of respondent No.1. The said application having been dismissed based on Section 112 of the Act, the unsuccessful

petitioners in I.A.No.967 of 2018 filed this civil revision petition.

3. During the hearing, it has come out that the D.N.A. of the husband of respondent No.1, who is the purported father of respondent No.2 and who died in the accident, was not preserved. In the absence of availability of D.N.A. of the deceased, it is highly unsafe to compare the D.N.A. of respondent No.2 with that of the petitioners herein, who are the parents of the deceased.

4. It is not the pleaded case of the petitioners that scientifically, it is proved that the D.N.A. of the grandparents and that of the grandchildren could match with each other and therefore, it will be an exercise in futility, if respondent No.2 is sent for D.N.A. test for being compared with the D.N.A. of the petitioners. This, in my opinion, is much stronger ground for dismissing the I.A. than the grounds on which the Court below has dismissed the same.

5. For the aforementioned reasons, the Civil Revision Petition is dismissed.

6. As a sequel to dismissal of the C.R.P., I.A.No.1 of 2018 filed by the petitioners for interim relief stands dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

29th November, 2018
GHN

