

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.216 of 2016 (O&M)
Date of decision:04.12.2018

Santokh Singh

... Petitioner

Vs.

S.Kulwant Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vaibhav Narang, Advocate
for the petitioner.

Ms. Jaideep Kaur, Advocate for
Mr. J.S.Thind, Advocate
for respondents No.1, 3 and 4.

AMIT RAWAL J. (Oral)

The present revision petition is directed against the impugned order dated 25.05.2015, whereby, an application of the petitioner-plaintiff for calling upon defendants no.1 to 3 to undergo DNA test with the blood of the plaintiff to establish the relationship of brother, has been declined.

Mr. Vaibhav Narang, learned counsel appearing on behalf of the petitioner-plaintiff submitted that claim in the suit was with regard to estate of Sohan Singh but the defendants denied the status of the plaintiff as brother or son of Sohan Singh, though he would be leading evidence as per the provisions of Section 50 of Indian Evidence Act but in order to lend credence, the best possible method is the DNA test in which new technology has come which could be taken aid of, for determination of the

relationship.

Ms. Jaideep Kaur, Advocate for Mr. J.S.Thind, Advocate for respondents No.1, 3 and 4 submitted that petitioner-plaintiff in cross-examination had not proved by placing on record identity card to establish that he was son of Sohan Singh, whereas, he was shown as son of Harbans Singh, therefore, in such circumstances, the respondents cannot be permitted to undergo DNA test.

I have heard the learned counsel for the parties and appraised the paper book.

If at all, the respondents are so sure about the status of the plaintiff, they should not be afraid of the result of the DNA test as it is a gamble for the plaintiff, if it is otherwise, his suit would be liable to be dismissed as per the provisions of Order 7 Rule 11 CPC. The science has made certain headway where the relation of the persons can be determined by the aid of DNA Test.

The impugned order is hereby set aside and the application under Section 45 of the Indian Evidence Act, is allowed.

Resultantly, the revision petition is allowed.

(AMIT RAWAL)
JUDGE

December 04, 2018
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No