

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP PD No.3801 of 2013
and M.P.No.1 of 2013

Raja ... Revision Petitioner

Vs.

Gopi ... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 01.03.2013 passed by the II Additional District Munsif, Kallakurichi in I.A.No.1601 of 2012 in O.S.No.840 of 2008.

For Revision Petitioner : Mr. S.Sounthar

For Respondent : Mr.N.Manoharan

ORDER

This civil revision petition has been filed against the order or dismissal passed by the II Additional District Munsif, Kallakurichi in I.A.No.1601 of 2012 in O.S.No.840 of 2008, which was filed to refer the parties to DNA test.

2. The revision petitioner is the plaintiff in the original suit and he filed a suit for partition before the trial court. The dispute between the plaintiff and the defendant is with regard to the paternity. It is the specific contention of the defendant that the plaintiff is not born to his father. Admittedly, both the parents are not alive. At this stage, this court called for an expert for DNA test from the Forensic Department, Chennai to clarify whether examining parties without their parents, their paternity can be ascertained.

3. To the direction of this court, Dr.N.Mahalakshmi, Deputy Director, DNA Division, Forensic Sciences Department, Chennai-4 is present before this court and explained that in the absence of parents, it is difficult to find out the paternity of the persons. At the most, they can ascertain that both are from the same family and not on paternity, and the result cannot be conclusive in respect of paternity.

4. In view of the categorical statement made by the expert, this court is of the view that exercising DNA test will not help the parties to the suit. However, the parties are at liberty to establish their right on the basis of other evidence.

5. In the result,

(i) The Civil Revision Petition is dismissed. No costs.

The connected miscellaneous petition is closed.

(ii) The fair and decretal order of the trial court are upheld.

(iii) The trial court is directed to dispose the suit within four months from the date of receipt of a copy of this order.

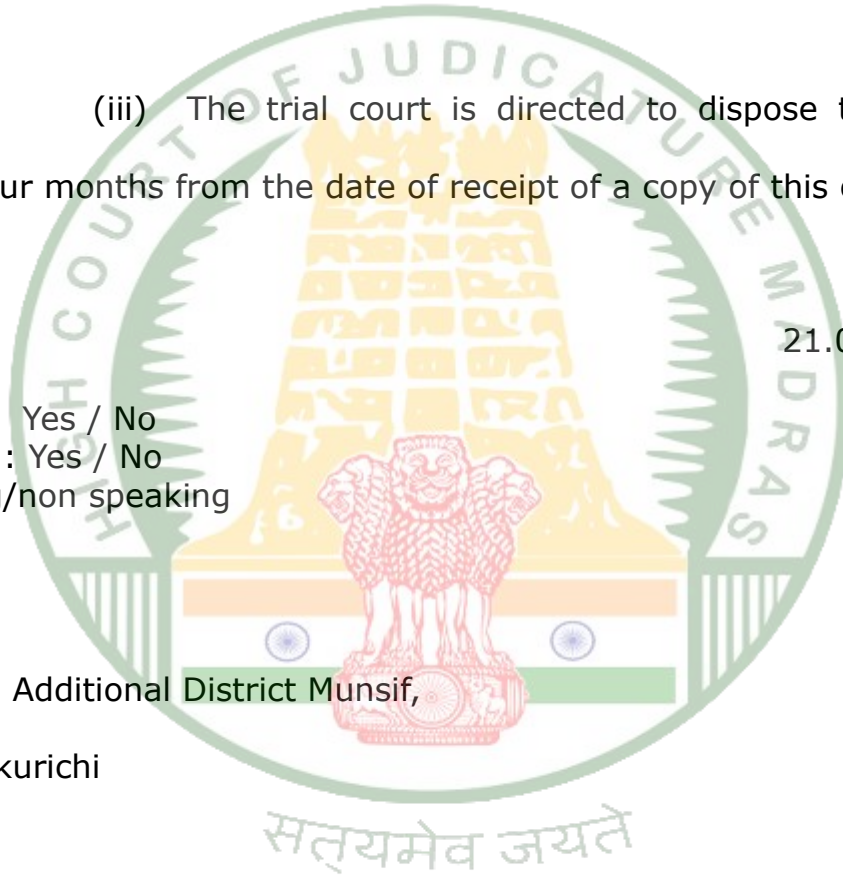
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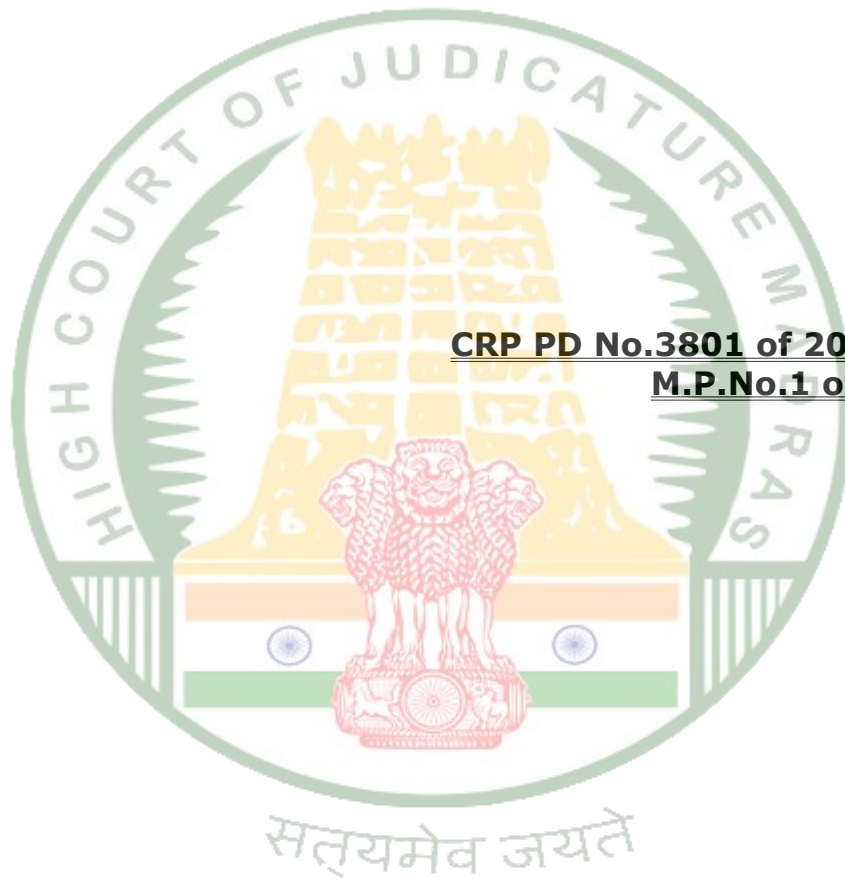
1. The II Additional District Munsif,

Kallakurichi



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N.SATHISHKUMAR, J.
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