

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

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THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP(PD).No.63 of 2016

and

CMP.No.343 of 2016

M.Ramajayam

.. Petitioner/Petitioner/Petitioner

Vs

G.Suguneswari

.. Respondent/Respondent/Respondent

Civil Revision Petition filed under Article 227 of the Indian Constitution to pass an order allowing this revision by setting aside the order of dismissal passed by the Hon'ble Family Court, Dharmaputi in I.A.No.255 of 2015 in F.C.HMOP No.24 of 2014 dated 18th November, 2015 and thereby allow the said petition.

For Petitioner : Mr.A.Sirajudeen

For Respondent : Mr.S.C.Vishwanth
for sole respondent
No appearance

ORDER

The above application is filed challenging the dismissal of the petition filed by the revision petitioner to submit the child and the to the respondent for DNA test, on the ground that, the child does not belong to him. In his petition for divorce, the petitioner has clearly stated that the petitioner and the respondent had been living

P.T.ASHA. J,

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apart from the year 2008 and it is also represented that the child was not born when HMOP was filed in the year 2010. In these circumstances, there is no necessity to submit the child to DNA test. The learned Judge no doubt has disposed of the application on that ground. However, considering the fact that parties have been living apart from the year 2008 and the child was born later, there is no necessity send to child in DNA test *RES IPSA LOQUITUR*.

2 In the result, the Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is also dismissed.

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To

The Hon'ble Family Court,
Dharmaputi.

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