

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2019

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

CRP (PD) No.2852 of 2019

1. Srinivasan
2. Minor Thenmalar
3. Alamelu .. Petitioners

Vs

1. Radha
2. Rangasamy
3. Kala
4. Nandhagopal
5. Santha .. Respondents

Prayer: Civil Revision Petition filed under Section 227 of Constitution of India against the fair and decreetal order dated 05.07.2019 made in I.A.No.635 of 2018 in O.S.No.315 of 2011 on the file of the District Munsif Court, Mettur, Salem District.

For Petitioners : Mr.C. Prabakaran

ORDER

In a suit for injunction, the petitioner/plaintiff filed an interim application for conducting DNA Test on the daughter of the first defendant.

2. It is the apprehension of the petitioner that through her daughter, the first defendant may claim title to the property. Infact the present suit is only for bare injunction restraining the defendants from interfering with his possession.

3. In an injunction suit, title cannot be declared. If at all, the first defendant claims title or partition or any right over the property through the alleged marriage, or as alleged through her child, it is open to the petitioner to agitate the same at the relevant point of time and ask for the relief now he seeks for.

4. In the present suit for injunction, to prove possession, the DNA test is not necessary and accordingly, the trial Court has rightly dismissed the application. The Civil Revision Petition merits no consideration and accordingly, it is dismissed. No costs.

29.08.2019

msr
Index:Yes/No
Internet: Yes/No
speaking order/non speaking order
To
The District Munsif Court, Mettur, Salem District.

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M.GOVINDARAJ, J.

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