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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6056 OF 2018

Kamlabai D. Pujari

....Petitioner

V/s.

Dhareppa B. Pujari

.....Respondent

Mr. Kuldeep Nikam for the Petitioner

Mr. Sandeep Koregave for Respondent

CORAM : NITIN W. SAMBRE, J.

DATE: JANUARY 15, 2021.

P.C.:

1] Heard learned counsel for the Petitioner. Perused Application Exh. 120, 122 and 124. Order impugned is rejection of prayer made by mother, daughter and third party for DNA test. The Trial Court rejected the prayer in view of consequences of Section 112 of the Indian Evidence Act.

2] It appears that husband has come out with a case of denial of

paternity and illicit relation and as such burden is on Respondent to prove the same pursuant to Section 112 of the Indian Evidence Act. No interference is called for in the extraordinary jurisdiction of this Court. Petition stands dismissed. However, it is clarified that while dealing with rival claims, the Court should be sensitive to the provisions of Section 112 of the Indian Evidence Act.

3] In view of the fact that Suit is pending since 2005 for more than last 15 years, same is expedited. It is directed that Court below shall decide the Suit expeditiously and in any case within period of 6 months from the date of production of this order.

[NITIN W. SAMBRE, J.]