



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.R.C.No.447 of 2018

And

Cr1.M.P.No.5405 of 2018

Minor.Harinath

Rep. by his Mother Suguneswari

... Petitioner

Vs.

Ramajayam

... Respondent

Prayer: Petition filed under Sections 397 and 401 of Cr.P.C., seeking to call for records and set aside the order dated 26.02.2018 passed in C.M.P.No.3 of 2018 in M.C.No.90 of 2017 on the file of the Family Court, Dharmapuri, Dharmapuri District and allow the criminal revision petition.

For Petitioner : Mr.A.Saranraj

O R D E R

The petitioner has filed this revision seeking to call for the records and to set aside the order dated 26.02.2018 passed in C.M.P.No.3 of 2018 in M.C.No.90 of 2017 on the file of the Family Court, Dharmapuri, Dharmapuri District.

2.The facts of the case is that the minor petitioner filed claim petition in M.C.No.90 of 2017 before the Family Court at Dharmapuri District seeking a sum of Rs.25,000/- per month towards maintenance. During the pendancy of the said petition, the respondent filed C.M.P.No.3 of 2018 in M.C.No.90 of 2017 under Section 45 of the Indian Evidence Act seeking Expert opinion with regard to the biological status of the petitioner. The said petition was allowed on 26.02.2018 directing the petitioner and the respondent to undergo DNA test before the Forensic Laboratory, Chennai. Challenging the same, this revision has been filed.



3.The learned counsel appearing for the petitioner submitted that the petitioner and his Mother are ready to under DNA Test as sought for by the respondent before the Trial Court, however, this Court without going into the merits of the case, may issue direction to the trial Court to complete the trial in M.C.No.90 of 2017 within a reasonable time frame.

4.In view of the above, this Court directs the petitioner and his Mother to co-operate for DNA Test. The DNA Test has to be conducted as ordered by the Family Court, Dharmapuri, Dharmapuri District in the order dated 26.02.2018 passed in C.M.P.No.3 of 2018 in M.C.No.90 of 2017, within a period of two weeks from the date of receipt of a copy of this order. The Expert shall submit the opinion before the Family Court, Dharmapuri, within a period of six weeks thereafter. After getting the Expert Opinion, the Family Court, Dharmapuri shall complete the trial in M.C.No.90 of 2017, in accordance with law, as expeditiously as possible.

5.This criminal revision is accordingly disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

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To

1.The Judge,
Family Court,
Dharmapuri,
Dharmapuri District.

+1CC to Mr.A.Saranraj, Advocate, SR.No. 44779

Cr1.R.C.No.447 of 2018

And

Cr1.M.P.No.5405 of 2018

LN(CO)
B.VC (27/09/2021)