

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD) No.2660 of 2016
and C.M.P.No.13806 of 2016

Bhuvaneswari Petitioner

Vs.

Sethupathi Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in I.A.No.294 of 2016 in O.S.No.26 of 2011 dated 04.06.2016 on the file of the Principal Family Court Judge of Coimbatore.

For Petitioner : Mr.C.Deivasigamani

For Respondent : Mr.A.Ramkumar

ORDER

This Civil Revision Petition is directed as against the order dated 04.06.2016 passed by the learned Principal Judge, Family Court, Coimbatore in I.A.No.294 of 2016 in O.S.No.26 of 2011, thereby

dismissing the petition filed by the petitioner sought for DNA test between the petitioner and the respondent herein.

2. The respondent is the plaintiff. He filed a suit for injunction as against the petition herein. During trial after examination of the witnesses and also after completion of arguments, when the matter was posted for arguments, the petitioner filed an application in I.A.No.294 of 2016 to direct the parties for DNA test.

3. On perusal of the affidavit filed by the petitioner in support of the petition for DNA test, she stated that the respondent/plaintiff filed suit to declare the marriage between the petitioner and respondent null and void. To disprove the case of the respondent/plaintiff, the DNA test is just and necessary.

4. It is seen from the records, the suit is filed for injunction and not for declaration. That apart, the petitioner did not mention about that between whom the DNA test to be conducted. Further she did not say

anything about the purpose for which the DNA test to be conducted. No question of paternity or no child born between the petitioner and the respondent. Therefore, no purpose would be served, if the parties are directed to go for DNA test. Therefore, the trial Court rightly dismissed the petition and this Court finds no illegality or infirmity in the order passed by the Court below.

5. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

29.01.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

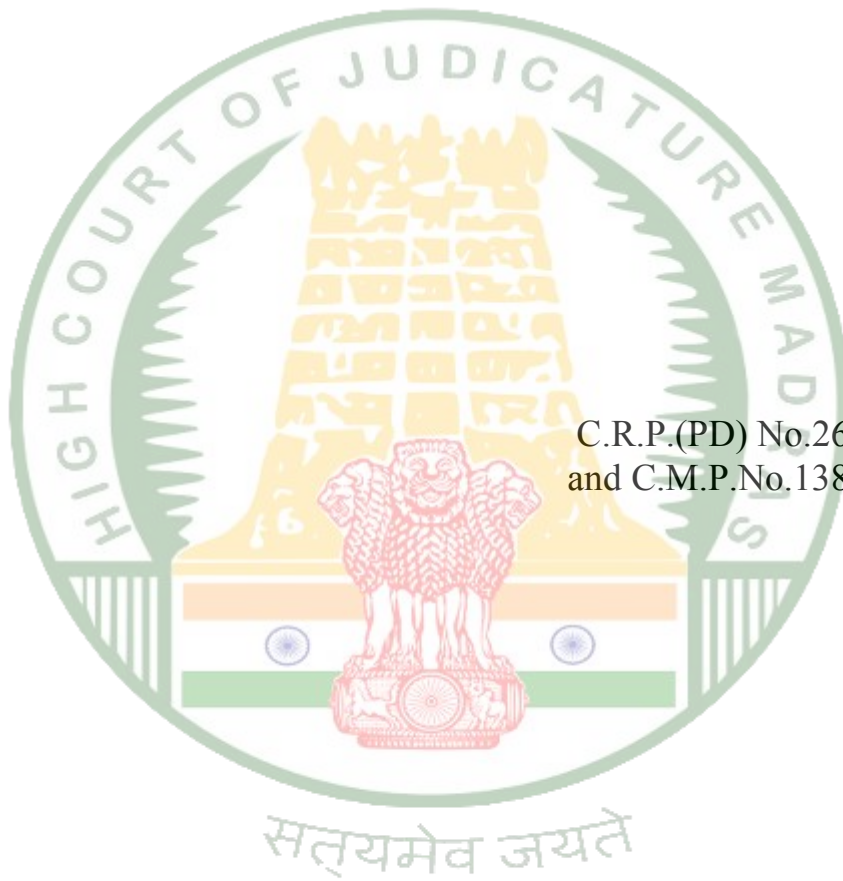
To

1. The Principal Judge,
Family Court,
Coimbatore.
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

C.R.P.(PD)No.2660 of 2016

G.K.ILANTHIRAIYAN, J.

rts



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