

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P (PD).No.2594 of 2018

and

C.M.P.No.15553 of 2018

N.Krishnamurthy

... Petitioner

Vs.

K.Vidhya

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decretal order made in I.A.No.32 of 2016 in HMOP.No.36 of 2016 on the file of the I Additional Sub Judge, Villupuram by allowing this revision petition.

For Petitioner : No Appearance

For Respondent : Mr.C.Nandhakumar for
Mr.J.Ramesh

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ORDER

This Civil Revision Petition is filed as against the fair and final order passed in I.A.No.32 of 2016 in HMOP.No.36 of 2016 dated 05.07.2018 on the file of the learned I Additional Sub Judge, Villupuram, thereby dismissing the petition seeking to conduct DNA test to ascertain the parentage of the male child born through the respondent.

2. The petitioner is the husband and the respondent is the wife. The petitioner got married with the respondent on 08.09.2005. It was an arranged one. According to the petitioner, immediately one month after their marriage, the respondent went to the Doctor for check up and it has been found that she had physical relationship even before marriage. Thereafter, she got pregnant and gave birth to a male child on 27.05.2006. The petitioner found that the child born through the respondent is not his child and due to which there was misunderstanding between them. Hence, the petitioner filed a petition for divorce on the ground of cruelty in the year 2016.

3. When the petitioner took a specific stand that the male child was not born through him and suspected the fidelity of the respondent herein. Therefore, he filed a petition seeking to conduct DNA test to the male child after a period of two years. That apart, the child was born in the 38th week from the date of their marriage. If at all the petitioner had grievance over the birth of the child, he should have immediately approached the Court below for DNA test. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

15.07.2021

Speaking/Non-speaking order

Index : Yes/No

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To

1. The I Additional Sub Judge, Villupuram.

2. The Section Officer,
V.R. Section, High Court of Madras.

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G.K.ILANTHIRAIYAN,J.

Kv



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