



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP No.2234 of 2020

and

CMP No.14059 of 2020

R.Jayakumar

... Petitioner

Vs

J.Vijayalakshmi

...

Respondent

(Amended as per IA.No.1318/2018 dated 15.11.2018)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Decreetal order made in I.A.No.2033 of 2012 in O.S.No.633 of 2012 dated 23.11.2020, on the file of District Munsif, Pollachi, Coimbatore District.

For Petitioner : Mr.C.Veeraraghavan

O R D E R

The petitioner challenges the order of the trial Court dated 23.11.2020 made in I.A.No.2033 of 2012.

2.The respondent herein filed a suit for partition contending that she is the daughter of the petitioner. It is her contention that her mother got married to the petitioner on 20.08.1990 and out of the said wedlock, the respondent was born on 28.09.1995. The petitioner filed a written statement denying the marriage and disowning paternity. Soon after the filing of the written statement, the respondent herein filed the instant application seeking a DNA test. This was resisted by the petitioner. The learned trial Judge by the order impugned has allowed the application.

3.I have heard Mr.C.Veeraraghavan, learned counsel appearing for the petitioner.



4.Mr.Veeraraghavan would vehemently contend that the trial Court was not right in directing DNA test at the instance of the minor person. I am unable to accept the submission of the learned counsel.

5.The respondent filed the suit claiming that she is the daughter of the petitioner. The petitioner chose to deny paternity. The respondent has taken steps to prove paternity. The petitioner cannot resist the said attempt and contend that he will not subject himself to DNA examination.

6.Actually the petitioner has been provided with an opportunity to prove his case and come clean. I therefore do not see any error or illegality in the order of the trial Court. The revision fails and it is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

vs
To:

1.The District Munsif,
Pollachi, Coimbatore District.

2.The Section Officer,
VR Section,
Madras High Court, Chennai.

+lcc to M/s.C.Veeraraghavan, Advocate Sr.65000

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