

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7873 OF 2022

Ambika Rahul Sharma alias Ambika .. Petitioner
daughter of Anand Kuril

Versus

Rahul Laxman Sharma .. Respondent

...

Mr.Sanjay Bhatia for the Petitioner.

...

CORAM: BHARATI DANGRE, J.
DATED : 07th JULY, 2022

P.C:-

1. Heard the learned counsel for the petitioner.
2. By the present writ petition, the petitioner seeks direction to the respondent to pay a sum of Rs.10,00,000/- towards legal compensation for denying the paternity of child.
3. Pertinent to note that Petition No.A-2942 of 2017 is instituted by the husband/respondent in the Family Court at Bandra, wherein an interim application was taken out for conducting a paternity test of the daughter. The application

was responded by the wife/petitioner, by stating that she is giving her consent for DNA test, but if the test comes positive then a compensation of Rs.10,00,000/- be awarded, as they have suffered tremendous mental agony and malicious and defamatory remarks and comments, during the conduct of the proceedings.

2. It is stated that the DNA test report has been received and it is established that the respondent is the father of the child and the petitioner is the biological mother. The learned counsel states that he is, therefore, desirous of compensation.

Since the consent to conduct the D.N.A. test was granted, subject to the said stipulation, let the petitioner take out an appropriate application before the learned Judge, Family Court No.4, Mumbai, who shall decide the same on merits.

The writ petition, seeking compensation, therefore, cannot be entertained and stands disposed off, reserving the liberty as above.

(SMT. BHARATI DANGRE, J.)