

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.45 of 2023

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Pankaj Kumar Paswan Son of Gaurichand Paswan Resident of Village-
Hasanpur Kirat, P.O.-Muktapur, P.S. and Circle-Kalyanpur, District-
Samastipur.

... .. Petitioner/s

Versus

1. Savita Kumari Wife of Pankaj Kumar Paswan, D/o Daun Paswan Residing
at Village-Shahpur, Maricha, P.O. Shahpur Maricha, P.S.-Maniyari, District-
Muzaffarpur.
2. Shahil Kumar under the Guardianship of his Mother Savita Kumari Residing
at Village-Shahpur, Maricha, P.O. Shahpur Maricha, P.S.-Maniyari, District-
Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 07-10-2023 Heard the parties.

2. The present application has been filed for quashing
the order dated 10.08.2022 passed in Matrimonial Case No.
143/2009 under Section 13 of the Hindu Marriage Act, 1955 by
the learned Principal Judge, Family Court, Muzaffarpur. The
petitioner is the husband of the Respondent No. 1.

3. The petitioner filed an application for DNA test of
the child on 08.01.2020, but the same has not been pressed till
18.07.2022. No birth certificate of the child has been filed by
the petitioner in support of his assertion. The wife has denied
the allegations levelled by the petitioner. The petitioner himself



admits that the marriage was consummated between the parties and, therefore, in view of the presumption under Section 112 of the Evidence Act, the application has rightly been rejected by the Court below.

4. I see no reason to interfere in the aforesaid order.
This application is dismissed.

(Sandeep Kumar, J)

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