

July 11, 2023
AD – 46
Ct. 34
SG

CRR 43 of 2023

Rupen Bagdi
-versus-
Mahua Bagdi and others

Ms. Sima Ghosh
Ms. Moumita Chakraborty
... for the petitioner.

Learned advocate for the petitioner has challenged the judgment and order dated 25.11.2022 passed by the learned Additional District & Sessions Judge, Fast Track Court, Suri, Birbhum in CrI. Appeal No.20 of 2021 arising out of Misc. Case No.168 of 2019.

I find that the present petitioner being the husband/father prayed for DNA test of his son.

Learned sessions court categorically observed as under:

“From the case record it appears that the petitioner/husband namely Rupen Bagdi filed a mat suit being no.29/2019 u/s-9 of the H.M.Act against the respondent/OP namely Mahua Bagdi and in the plaint of that Mat suit in para no.3 the petitioner/husband Rupon Bagdi specifically admitted that one male child was born on 23.01.2019 out of wedlock with the respondent/OP who is now under the custody of respondent/OP. Once the appellant/husband has admitted his son in Mat Suit No.29/2019, so he cannot

deny his earlier admission by challenging the paternity of the said child”.

Having considered the observations made by the learned sessions court, I am of the opinion that no interference can be made as the foundation of the order is on the basis of records.

Petitioner is able to create circumstances subsequently by way of evidence.

Petitioner would be at liberty to approach the jurisdictional court in the nature of relief which has been prayed for.

With the aforesaid observations, CRR 43 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of such requisite formalities.

(Tirthankar Ghosh, J.)

