

Item No. 11
04.10.2023
Court. No. 19
GB

C.O. 2665 of 2022

Bipul Paul
Vs.
Chumki Paul

*Mr. Sounak Bhattacharya,
Mr. Joy Chakraborty,
Mr. Sumitava Chakraborty,
Mr. Sandip Dinda*

...for the Petitioner.

The revisional application arises out of an order dated July 8, 2022, passed by the learned Additional District Judge, Fast Tract 2nd Court at Barrackpore in Title Suit No.1172 of 2016.

By the order impugned, the learned trial judge rejected an application filed by the petitioner praying for DNA test of a female child. The suit was filed by the husband on the ground of cruelty, desertion and adultery.

According to the petitioner, a DNA test of the child and the father would prove that the wife was in the habit of engaging in extra marital relationships, out of which a child was born. The petitioner wanted to prove that the child was not his own. Such application was filed based on the affidavit of assets which was filed by the wife. It was mentioned therein, that the parties were separated from July 2005 and she had a minor daughter of 12 years in 2023. According to the petitioner, such information would be sufficient to prove that the daughter was not his own.

The suit is for dissolution of marriage on certain grounds along with the ground of adultery. The petitioner is

required to prove adultery on the evidence available. The child is a stranger to the suit. Adultery can be proved by leading evidence and the wife can also be cross-examined on all points and the materials on record.

The contentions of the petitioner affects the right to privacy and human dignity of the child who is in no way connected with the matrimonial suit. Hence, such prayer cannot be allowed.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)