

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.2690 of 2018

SHRI SUSHEELKUMAR BANERJEE S/O GAURCHAND BANERJEE
VS
KU. RANI D/O SUSHEELKUMAR BANERJEE

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.R. Wagh, Advocate for the Petitioner

**CORAM : ANIL S. KILOR, J.
DATED : 27.01.2023**

1. Heard.
2. In this petition, the order below Exh.15 dated 20.03.2018 passed by the Judge, Family Court-3,-Nagpur in Petition No.C-44 of 2016, is under challenge, whereby the application filed by the petitioner/Ori. respondent for conducting the DNA test of the respondent, was rejected.
3. On perusal of the record, it is evident that when the respondent/Org. Petitioner was just four months, her mother Rekha died and thereafter, she was residing with her maternal grandparents and according to the petitioner, he was not in contact with her and therefore, it is a stand of the petitioner that the respondent is not entitled for maintenance, and to establish that the respondent is not his daughter, the application Exh.15 was moved for conducting the DNA test.
4. The learned Family Court has observed that the petitioner herein is not sure as to whether the respondent is the same daughter who was born to his wife and to just verify the same,

DNA test was sought. The Court has observed that the petitioner is not denying the relation with the deceased Rekha as wife and also he is not denying that a daughter was born out of their wedlock and therefore, the Family Court has observed that the application was filed just on the basis of unreasonable doubt and therefore, the DNA test cannot be directed. Accordingly, Exh.15 was rejected.

5. I do not find any error committed by the learned Family Court in rejecting the application Exh.15. Accordingly, the Writ Petition is **dismissed**.

[ANIL S. KILOR, J.]