

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

WRIT PETITION NO.8576 OF 2022

Raziuddin Ahmed S/o Late Qutubuddin Ahmed .Vs. Shri Sirajuddin Ahmad S/o
Late Yusufuddin Ahmad and others

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

Court's or Judge's Order

Shri N.R. Bhishikar, Advocate for the petitioner.

CORAM : ANIL S. KILOR, J.

DATED : 18/01/2023

1. Heard.
2. In this writ petition, order below Exh.179 dated 07.07.2022 passed by the learned 2nd Jt. Civil Judge Senior Division, Chandrapur in R.C.S. No.215 of 2019 is under challenge, whereby, the application moved by the defendant to direct the plaintiff to give blood sample for the DNA test came to be rejected.
3. It is a settled law that no party can be compelled to give blood sample for DNA test, as it otherwise would breach the privacy of the person.
4. The learned counsel for the petitioner submits that though the plaintiff opposes the application Exh.179 however, in cross examination, he had shown his willingness

to give blood sample for DNA test. Thus, according to the petitioner the willingness shown by the plaintiff in the cross examination is sufficient to direct him to give blood sample.

5. Though the plaintiff has stated in the cross examination that, he is ready to undergo DNA test to show that he is the heir of Wahajuddin, he strongly opposes the application Exh.179 and did not agree to give blood sample for DNA test.

6. In the circumstances, as the respondents opposed the application and refused to give blood sample for DNA test, as per well settled principle of law, he can not be compelled to give blood sample for the DNA test.

7. Thus, I do not find any error committed by the learned trial Court in rejecting the application of the petitioner.

Hence, the writ petition is **dismissed**.

JUDGE