



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2023

CORAM

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.2879 of 2022

and

C.M.P.No.15608 of 2022

1.Thiruselvi
2.Minor.Dhivyapriya
3.Minor.Abhinaya
4.Minor.Kanmani

...Petitioners

Vs.

1.Sarathammal
2.Amaravathi

...Respondents

Prayer:Civil Revision Petition filed under Article 227 of the Constitution of India to allow this Civil Revision Petition, to set aside the order dated 08.03.2022 passed in Memo in I.A.No.4 of 2021 in O.S.No.83 of 2013 on the file of the Subordinate Judge at Rasipuram.



WEB COPY

For Petitioners : Mr.P.Mathivanan
For Respondents :
For R1 and R2 : Mr.T.Dhanyakumar

ORDER

The defendants are the petitioners. They filed an application seeking for a direction to the plaintiffs to submit their blood samples for the purpose of conducting a DNA test on the plaintiffs in order to prove their paternity.

2. The said application was allowed in I.A.No.4 of 2021 by an order dated 16.11.2021. In pursuance thereof, a warrant was issued to the Advocate Commissioner to take the blood samples on FTA Card and hand over the sample FTA card to a DNA lab at Chennai and file a report. This was accordingly done.

3. The Advocate Commissioner took the samples to the Forensic Science Laboratory at Chennai and he was informed by the director that it is



not possible for the Forensic Science Laboratory to conduct the DNA test to ascertain the paternity, as they do not have the requisite facility.

4. On receipt of this report, the court came to the conclusion that since the Forensic Science Laboratory cannot conduct the DNA test, DNA is not a ground to decide paternity. This finding cannot be supported scientifically. Therefore, the Civil Revision Petition is allowed with the following directions:-

(I). The respondent shall give their blood samples in order to enable the Advocate Commissioner to carry the samples to the Centre for Cellular and Microbiology, Uppal Raod, IICT Colony, Habsiguda, Hyderabad, Telangana – 500 007.

(II). A request letter/authorization letter shall be addressed by the court to the director of CCMB, Hyderabad to conduct the DNA test and submit a report. Both the petitioners as well as the respondents 1 and 2 shall co-operate for this endeavor by giving their samples.

(III). The cost for DNA test shall be borne by the petitioner.



WEB COPY

V. LAKSHMINARAYANAN, J.*nst*

5. With the above, this civil revision petition stands allowed. No costs.

Connected Miscellaneous Petition is closed.

14.07.2023

Index : Yes/No
Neutral Citation Case : Yes/No
nst

To:

The
Sub Judge,
Rasipuram

C.R.P.No.2879 of 2022
and
C.M.P.No.15608 of 2022
(2/2)