

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-214-2023 (O&M)

Date of decision: 16.01.2023

Raj Kumar

...Petitioner

Versus

Veerpal Kaur @ Sanjana Goyal and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Ravi Gakhar, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Briefly stated facts of the case are that in a divorce petition brought by Raj Kumar against his wife Veerpal Kaur @ Sanjana Goyal and one Pardeep Singh pending in the Court of Addl. Principal Judge, Family Court, (Holding Camp Court), Khanna, the petitioner/husband had filed an application for issuance of direction to the respondent-wife to bring minor children of the parties namely Master Buvan Goyal and daughter Ms. Himanshi Goyal to Government Hospital for undergoing DNA test, alleging that both the children born from womb of respondent Veerpal Kaur @ Sanjana Goyal were not from loins of petitioner/husband Raj Kumar, necessitating holding of DNA test of two minor children.

The application was not opposed by respondent No.1 subject to the test being got conducted from Government Hospital.

However, the petitioner/husband had moved another

application for issuing direction to SMO, Civil Hospital, Khanna to send the DNA samples of minor children for test to Centre for DNA Fingerprinting and Diagnostics (CDFC) Inner Ring Road, Hyderabad, Telangana. Inter alia, in the application, the petitioner stated that he is ready to bear the expenses for sending the samples to the aforementioned institute at Hyderabad, Telangana.

However, counsel for the respondents suffered a statement to the effect that he has no objection if DNA test is allowed, however, a test be separately got done from Shri Ram Institute for Industrial Research (A Unit of Shivam Scientific and Industrial Research Foundation), Bangalore. That applications were disposed of by Addl. Principal Judge, Family Court, Ludhiana/Camp at Khanna, vide impugned order dt. 04.11.2022. The operative part of the order runs as follows:-

“The perusal of file shows that the petitioner-husband is seeking divorce on the ground of adultery etc. The respondents appeared and filed written statement. At this stage, the applications in hand were filed. Considering the allegations as well as no objection, the applications for DNA test through Government Hospital are allowed and the parties are directed to appear before the Civil Hospital, Khanna, within next 30 days from today and the necessary sample be drawn after following the due procedure and on payment of requisite charges by the side of petitioner; however, the later request of the respondent no.1 that one sample be sent to Shri Ram Institute for Industrial Research (A Unit of Shivam Scientific and Industrial search Foundation) 14-15, Sadar Mangla Industrial Area White Field Road, Bangalore 560048 is declined as the test should be got done through the Government agency and at this stage, the respondent no.1-wife cannot dictate her terms and should not doubt the veracity of the Government Lab. Moreover, no plausible reason has been putforth as to why a Government agency cannot be relied upon. Nothing expressed herein shall effect the merits of the case.”

This order left the petitioner/husband aggrieved and he has approached this Court by way of filing the present revision petition.

I have heard learned counsel for the revision petitioner besides going through the record and I do not see any merit in the revision petition. The order under challenge is quite detailed and well reasoned, does not suffer from any illegality or infirmity, rather, it does not have any element of arbitrariness or perversity. No reason is there to upset the order by exercising revisional jurisdiction. The trial Court was also justified in rejecting the request of respondent No.1/wife that one sample be sent to Shri Ram Institute for Industrial Research (A Unit of Shivam Scientific and Industrial Research Foundation), Bangalore, observing that test should be got done through Government agency and not as per whims and fancies of respondent No.1-wife.

I do not see any reason to accept the prayer made in this revision petition to send the sample of DNA to Centre for DNA Fingerprinting and Diagnostics (CDFC) Inner Ring Road, Hyderabad, Telangana. The revision petition is found to be without merit and is dismissed accordingly.

16.01.2023

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No