



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2946 OF 2023

Shivananda Narayan Matore

VERSUS

Sangram Nivrutti Shyame And Others

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Mr. S. R. Bagal h/f Mr. B. N. Gadegaonkar, Advocate for
the Petitioner

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CORAM : R.M. JOSHI, J

DATE : JUNE 13, 2024

PER COURT :

1. Petitioner takes exception to the order dated 18.06.2022 passed below Exh. 50 in RCS No. 86/2015 whereby the application filed by the Petitioner/Plaintiff for conducting DNA test to determine the relationship between the Defendant and Plaintiff as cousins/siblings.

2. Learned Counsel for the Petitioner submits that learned trial Court ought to have waited for expert's opinion rather than dismissing said application.

3. Perusal of the record indicates that the suit is filed by the Plaintiff for partition claiming

herself to be daughter of Rama Khandu Shyame. It is alleged that the Defendants are cousin brothers and sisters of Plaintiff. Defendants by filing written statement has disputed the claim of the Plaintiff about she being daughter of Rama and cousin sister of the Defendants. In this backdrop, an application Exh. 50 came to be filed by the Petitioner for directing DNA test to be conducted for Petitioner as well as Defendants to establish their relationship.

4. If the Petitioner wanted to establish herself to be a biological daughter of her parents and the said claim was denied by the parents she was in all probability justified in calling upon such DNA test. In the instant case, Petitioner is trying to seek DNA test to prove that she is cousin sister of the Defendants. This Petitioner was unable to show any material/literature on the subject that scientific test would conclusively prove even distant relationship, such as cousin sisters/brothers. Moreover, DNA test cannot be ordered on drop of hat, as it has serious consequences.

5. It is always open and possible for the Plaintiff to prove her claim of being daughter of Rama Khandu Shyame by leading appropriate evidence. As such, there is no justification for seeking DNA test in such casual a manner.

6. This Court, therefore, finds no perversity in the impugned order dated 18.06.2022 passed below Exh. 50. Hence, Petition stands dismissed.

(R. M. JOSHI, J.)

Malani