

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 705 of 2021****Date of Decision: 14.02.2024**

Sunehri Devi

... Petitioner(s)

Versus

Kanta Devi and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Deepak Kundu, Advocate
for the petitioner(s).

Mr. S.S.Dinarpur and Mr. Aman Godara, Advocates
for the respondent No.1.

Anil Kshetarpal, J.

1. The petitioner has filed a suit for the grant of decree of declaration with a consequential relief of permanent injunction.

2. In substance, the dispute is with regard to inheritance of the property left behind by late Sh.Deva Singh. The plaintiff claims to be married wife of late Sh.Deva Singh and hence, she is entitled to succeed the property left behind by him.

3. On the other hand, it is the case of the defendants that late Sh.Deva Singh married Smt.Kanta Devi and Manav Singh, defendant No.2, was born from his loins. This allegation is denied by the plaintiff. Thus, the substance of the dispute is with regard to the identity of Manav Singh, defendant No.2. During the pendency of the case, the plaintiff has filed an application under Section 151 of the Code of Civil Procedure, 1908, for

issuing directions to Smt.Kanta Devi and Manav Singh to undergo DNA

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profiling in order to determine, “whether Manav Singh is a biological son of Smt.Kanta Devi or not?” The Trial Court dismissed the application on the ground that Smt.Kanta Devi admits that Manav Singh is her son. Moreover, the main dispute between the parties is with regard to paternity of Manav Singh which cannot be proved by directing Smt. Kanta Devi and Manav Singh to undergo DNA profiling. The correctness of the aforesaid order has been challenged in this revision petition.

4. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

5. The learned counsel representing the petitioner contends that in fact Smt.Kanta Devi is not a biological mother of Manav Singh.

6. This Court has considered the submissions of the learned counsel representing the parties.

7. In this case, as already noticed, the main dispute, which requires consideration, is “whether Manav Singh is a biological son of late Sh.Deva Singh or not. The Trial Court has given cogent reasons to reject the application. This Court, in exercise of the revisional jurisdiction, does not find it appropriate to interfere.

8. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

February 14, 2024

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No