



Crl.R.C.No.1069 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.1069 of 2025 and
Crl.MP.No.13760 of 2025

Nithya			Petitioner
	Vs		
Paramasivam			Respondent

PRAYER:

Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, praying to allow the above criminal revision petition and to set aside the order dated 27.02.2025 passed in CMP.No.307 of 2022 in MC.No.18 of 2022 on the file of the Family Court, Namakkal.

For Petitioner : Mr.K.Kalimuthu

ORDER

This Criminal Revision Case has been filed against the order dated 27.02.2025 passed in CMP.No.307 of 2022 in MC.No.18 of 2022 on the file of the Family Court, Namakkal.

2. Heard, the learned counsel for the petitioner and perused, all the materials placed before this Court.



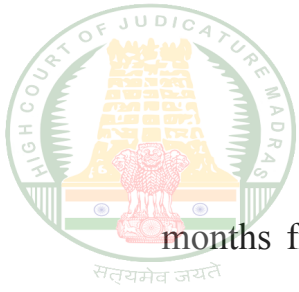
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3. The respondent married the petitioner and gave birth to a child. Thereafter, they had misunderstanding. The petitioner and their child were driven out from the matrimonial home and they are living separately. Therefore, they could not maintain themselves. As such, the petitioner filed maintenance petition in MC.No.18 of 2022. Pending maintenance petition, the respondent filed petition seeking DNA test to disprove the case of the petitioner that the child was born to him. It was allowed and aggrieved by the same, the present revision has been filed.

4. It is the case of the petitioner that filing such petition is only dragging the proceedings and there is absolutely no reason not to believe that the child was not born to him. However, the petitioner had no issues that the child was born only through the respondent. Therefore, it would cause no prejudice to the petitioner if it is proved by the scientific test that the respondent is the biological father. Therefore, this Court finds no infirmity or illegality in the impugned order.

5. Accordingly, this criminal revision case is dismissed. However, the trial court is directed to dispose of the maintenance case within a period of three



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months from the date of receipt of DNA report. Consequently, the connected

miscellaneous petition is closed.

14.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok

To
Family Court, Namakkal



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G.K.ILANTHIRAIYAN, J.

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