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C.R.P.No.5820 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5820 of 2025
and
C.M.P.No.28905 of 2025

1.R.Sumathi

2.R.Purushothaman

3.Miss.R.Shoba

... Petitioners

VS.

1.Jayalakshmi

2.Ambika
(Ex-parte in the lower court)

3.Rameswari @ Ramu
(Ex-parte in the lower court)

4.K.G.Mohanaraman

5.Alamelu @ Pannier
(Ex-parte in the lower court)



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6.Maliga

7.Manimegalai

8.Rajkumar

9.Rakul

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to allow this Civil Revision Petition and set aside the Order dated 23.02.2024 passed in I.A.No.4 of 2023 in A.S.No.48 of 2017 by the learned Principal District Judge, Chengalpattu and order to conduct of a DNA Profile Test of the Petitioners 2 and 3 and Respondents 8 and 9 herein through an approved forensic laboratory under court supervision facilitating to determine the paternity of the Petitioners 2 and 3 herein by obtaining Scientific Expert Opinion from a qualified Medical Expert.

For Petitioners : Mr.P.S.Akilan

ORDER

The Civil Revision Petition is filed challenging the order passed by the First Appellate Court in I.A.No.4 of 2023 in A.S.No.48 of 2017, dated 23.02.2024 dismissing the application filed by the petitioners seeking to



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DNA Test.

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2. The petitioners herein filed a suit in O.S.No.205 of 2007 on the file of the Principal Subordinate Court, Chengalpattu seeking partition of their alleged 1/2 share in the suit properties. It was specific case of the petitioners that they are all children of one K.G.Ramanujam. The respondents herein filed their written statement and denied the averments found in the plaint. The marriage of 2nd and 3rd plaintiffs' mother namely 1st plaintiff with said K.G.Ramanujam was specifically denied by the respondents. Therefore, the very relationship of the petitioners with said K.G.Ramanujam was seriously disputed by the respondents in their written statement. Infact, the first issue framed in the suit was with regard to the legality of the marriage of 1st plaintiff with K.G.Ramanujam.

3. Before the Trial Court, the plaintiffs examined 4 witnesses as PW.1 to PW.4 and nearly 25 documents were marked as Exs.A1 to A25 on their behalf. The defendants examined 2 witnesses as DW.1 and DW.2 and 8 documents were marked as Exs.B1 to Ex.B8 on their behalf and two court



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side documents were marked as Exs.X1 and X2.

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4. Based on the oral and documentary evidence available on record, the Trial Court came to the conclusion that the 1st petitioner herein was not legally wedded wife of the deceased K.G.Ramanujam and dismissed the suit. Aggrieved by the same, the petitioners preferred first appeal in A.S.No.48 of 2017 on the file of the Principal District Court, Chengalpattu. After six years from the date of presentation of the appeal, the petitioners have filed the instant application seeking DNA Test to establish the biological relationship between the petitioners 2 and 3 and respondents 8 and 9 herein. The said petition was dismissed by the First Appellate Court. Aggrieved by the same, the petitioners have come before this Court.

5. The learned counsel appearing for the petitioners would submit that the main issue involved in the suit is with regard to marriage of the 1st petitioner with K.G.Ramanujam and the legitimacy relationship of petitioners 2 and 3 and if DNA Test is ordered as prayed by the petitioners,



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it will help the Court to come to a conclusion with regard to the plea raised by the petitioners.

6. As mentioned earlier, the first issue framed by the Trial Court was with regard to the legality of the marriage between 1st petitioner and K.G.Ramanujam. The petitioners had ample opportunity before the Trial Court to file similar application. For the reasons best known to them, they have not filed any application seeking DNA Test before the Trial Court. However, they examined several witnesses and marked documents to prove the relationship between the 1st petitioner and K.G.Ramajujam. The factum of marriage between the 1st petitioner and K.G.Ramanujam can be proved only by proper evidence. It cannot be proved by DNA test. Further, the petitioners failed to give any reason for their failure to file application for DNA test before the Trial Court.

7. Additional evidence cannot be allowed to be produced without sufficient cause. The present first appeal has been presented even in the year 2017. However, this application has been filed nearly after six years. When



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the petitioners are not able to show any sufficient cause for their failure to file similar application before the Trial Court and also before this Court immediately after presentation of the first appeal, this Court is not inclined to interfere with the passed by the Principal District Judge, Chengalpattu in I.A.No.4 of 2023 in A.S.No.48 of 2017, dated 23.02.2024.

8. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

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Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

WEB COM The Principal District Judge,
Chengalpattu.



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S.SOUNTHAR, J.

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