



C.R.P.(MD)No.645 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.645 of 2022

and

C.M.P.(MD)No.2629 of 2022

Meiyyar

...Petitioner

Vs.

Kaurppiah (Died)

1.Ramaiah
2.Kumar
3.Kannusamy
4.Ponnammal
5.Kathayee
6.Lakshmi
7.Meenakshi

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order dated 10.11.2021, made in I.A.No.107 of 2021 in O.S.No.226 of 2010, on the file of the District Munsif Court, Pudukottai by allowing this Civil Revision Petition.



C.R.P.(MD)No.645 of 2022

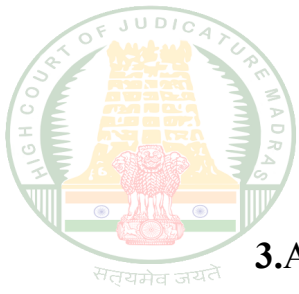
WEB COPY

For Petitioner : Mr.P.Santhoshkumar
For Respondents 1, 4 to 6 & 9 : No appearance
For Respondent No.2 : Mr.NA.Palaniyandi

ORDER

This Civil Revision Petition has been filed seeking to set aside the fair and decreetal order dated 10.11.2021, made in I.A.No.107 of 2021 in O.S. No.226 of 2010, on the file of the District Munsif Court, Pudukottai.

2.Learned Counsel for the petitioner would submit that the petitioner is the plaintiff in O.S.No.226 of 2010. He filed a partition suit as against the respondents. In the partition suit, the respondents filed a written statement stating that the petitioner is not the legal heir of their father. Thereby, the petitioner filed a petition in I.A.No.107 of 2021, for taking sample from one of the legal heirs of the petitioner's father and compare with the petitioner's sample and for conducting Full Siblings DNA Pair test. The said petition was dismissed by the trial Court. Challenging the same, this Civil Revision Petition has been filed.



C.R.P.(MD)No.645 of 2022

3.Admittedly, the petitioner is the first wife's son, whereas the respondents are second wife's children and they refuse to give a share of their father. Thereby, the partition suit came to be filed in which written statement has been filed stating that the petitioner is not the legal heir of their father, thereby, the petitioner has filed a petition for DNA test and the same was declined by the trial Court. In order to prove that the petitioner is one of the legal heirs through his father, DNA test is necessitated. Accordingly, he prays for appropriate orders.

4.This Court considered the facts and circumstances of the case. Admittedly, the petitioner filed a partition suit and it is for him to produce documentary evidence to prove that he is one of the legal heirs and he accrues right through his father. Contrarily, compelling one of the legal heirs for DNA test is unfair and if such petitions are allowed in the civil proceedings, then it will amount to harassing the respondents by sending them for DNA test. Such innovative plea taken by the petitioner is unsustainable. Such petitions are not maintainable. As such, the order of the trial Court need not be interfered with. However, without being influenced by any of the orders passed and earlier orders passed by the trial Court, the trial Court is directed to dispose of the suit in the manner known to law.



C.R.P.(MD)No.645 of 2022

WEB COPY

5. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

27.06.2025

Internet: Yes/No

Index: Yes/No

MR



WEB COPY



C.R.P.(MD)No.645 of 2022

To

- 1.The District Munsif Court,
Pudukkottai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(MD)No.645 of 2022

M.DHANDAPANI, J.

MR

C.R.P.(MD)No.645 of 2022

27.06.2025