IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CIVIL REVISION PETITION NO: 2925 OF 2025

Petition under Article 227 of the Constitution of India, aggrieved by the Order dated 15-07-2025 passed in IA.No.256 of 2024 in OS.No.37 of 2015 on the file of the Court of the Senior Civil Judge at Mahabubabad.

Between:

1. GugulothMangilal,, S/o. Sunder , Age. 43yrs, Occ. Agriculture, R/o. Penya thanda,H/o. Madhanturthy village, Nellikudur Mandal, Mahabubabad District.
2. Guguloth Bicha,, S/o. Sunder, Age. 42yrs, Occ.Agriculture, R/o. Penya thanda, H/o. Madhanturthy village, Nellikudur Mandal, Mahabubabad District.
3. Guguloth Ravinder,, S/o.Sunder, Age. 41 yrs, Occ.Agriculture, R/o.Penya thanda, H/o. Madhanturthy village, Nellikudur Mandal, Mahabubabad District.
4. Guguloth Devender,, S/o. Sunder, Age. 39yrs, Occ.Agriculture,R/o. Penyahanda, H/o. Madhanturthy village, Nellikudur Mandal,Mahabubabad District.
5. Guguloth Upender,, S/o. Sunder, Age.40yrs, Occ.Agriculture, Ariatubabad District. Jogeumi Penyahanda, H/o. Madhanturthy Village, Nellikudur Mandal,

...Petitioners/Respondents/Def.No.2 TO 6

AND

1. Bhanoth Mangamma,, W/o. Banoth Nanda, Age.48years, Occ. Agriculture R/o.Domstsmkunts thanda, H/o.Madipally village of Thorrur Mandal, Mahabubabad District.
2. Guguloth Bikkoji, (Died)
3. Jatoth Nanki,, W/o.Bheemudu, Age.40yrs, Occ.Agriculture, R/o Penta manda, H/o. Madhanturthy village, Nellikudur Mandal, Mahabubapad District.
4. Bhukya Poolamma,, W/o.Lakpathi, Age. 44yrs, Occ. Agriculture, R/o. Penya thanda, H/o.Madhanturthy village, Nellikudur Mandal, Mahabubabad District.
5. Guguloth Kamsalya,, W /o. Mangilal, Age.42yrs, Occ. Agriculture, R/o. Penva thanda, H/o. Madhanturthy village, Nellikudur Mandal, Mahabubabad District.
6. Guguloth Kaila,, W/o.Bicha, Age.40yrs, Occ.Agriculture, R/o.Penya thanda, H/o. Madhanturthy village, Nellikudur Mandal, Mahabubabad District.

7. Guguloth Jamuna,, W/o.Ravinder, Age. 38yrs, Occ.Agriculture, R/o. Penya thanda, H/o. Madhanturthy village, Nellikudur Mandal, Mahabubabad District.

8. Guguloth Mangamma,, W/o. Upender, Age. 38yrs, Occ.Agriculture, R/o.Penya thanda, H/o. Madhanturthy village, Nellikudur Mandal, Mahabubabad District

9. Guguloth Bharathi,, W/o. Devender, Age. 37yrs, Occ.Agriculture, R/o. Penya thanda, H/o. Madhanturthy village, Nellikudur Mandal, Mahabubabad District.

10. Bhukya Neela,, W/o.Mothilal, D/o. Bikkoji, Age. 36yrs, Occ.Agriculture, R/o. Thurpu thanda, H/o.Agaram village. Danthalapally Mandal, Mahabubabad District.

11. Amgoth Saathi,, W/o. Amgoth Mani, Dio. Bikkeji, Age. 35yrs, R/o. Penya thanda, H/o. Uggarripally viliage, Chinna Gudur Mandal,Mahabubabad District.

12. Islavath Padma,, W/o.tsiavash Jamla, D/o.Bikkojji, Age.30yrs,Occupation. Agriculture, R/o.Durgabhavani thanda, H/o. Madhanturthy village of Nellikudur Mandai of Mahabubabad District.

13. Jatoah Renuka,, W/o.Jyothi Balalji,D/o.Bikkoji, Age. 25yrs, Occupation. Agriculture, R/o.Amar singh Thanda, H/o. Haripirala village,Thorrur Mandal, Mahabubabad District

14. Bhakys Mara,, W/o. Bhukya Suresh, D/o. Bikkoji, Age.23yrs. Occ. Agriculture, R/o.Amar singh Thanda, H/o. Haripirala village,Thornur Mandal, Mahabubabad District.

15. Guguloth. Veeranna,, S/o. Bikkoji, Age.28yrs, Occ.Agriculture, R/ o. Dingabhavani Thanda, H/o. Mardanturthy village, Nelikudur Mandal, Mahabubabad District.

(Respondents No.2 To 15 are Not Necessary Parties to this CRP)

...Respondents/Respondents/Def.No.7 TO 19

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the orders passed in IA.No.256 of 2024 in OS.No.37 of 2015, dated. 15-7¬2025 on the file of the Hon'ble Senior Civil Judge At Mahabubabad.

Counsel for the Petitioner(s):SRI. Gundlapalli V.S.S.S.Sruthi

Counsel for the Respondents: Gaddam Jagannatham

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CIVIL REVISION PETITION No.2925 of 2025
DATE OF ORDER: 04.12.2025

Between:

Guguloth Mangilal and four others

...Petitioner

AND

Bhanoth Mangamma and 14 others
(Respondent Nos.2 to 15 are not necessary parties to the Revision Petition)

...Respondent

ORDER:

This Civil Revision Petition is filed aggrieved by the order dated 15.07.2025 passed in I.A.No.256 of 2024 in O.S.No.37 of 2015 by the learned Senior Civil Judge at Mahabubabad.

2. The facts of the case in brief are that the respondent No.1 filed a suit for partition and separate possession *vide* O.S.No.37 of 2015 stating that she is the daughter of one Sundar, who is the father of petitioners herein, through his 1st wife. After the death of 1st wife, the said Sundar married to one Janaki and the respondents 2 to 6 were

born to them. It is further submitted that petitioner and defendant No.1 are the children of Sundar through his 1st wife. During his lifetime, the father of respondent Nos.2 to 6 possessed more than 80 acres of land and promised to give the petitioner her share. Subsequently, the father of petitioner and defendant No.1 died. Thereafter, the petitioner approached respondents therein demanding for her share. It is further submitted during the cross-examination of PW.1, the respondents denied the relationship of petitioner with them. As such, the petitioner filed I.A.No.256 of 2024 in O.S.No.37 of 2015 seeking for DNA Test on the file of learned Senior Civil Judge at Mahabubabad.

3. On hearing the learned counsel for the petitioner and respondents in the said I.A, learned Senior Civil Judge, Mahabubabad allowed I.A.No.256 of 2024 directing the petitioner and respondent Nos.2 to 6 to appear before RFSL, Warangal on 01.08.2025 for giving blood samples for conducting DNA test.

4. Aggrieved by the order of the learned Senior Civil Judge, Mahabubabad, the petitioner filed the present C.R.P.

5. Heard learned counsel for the petitioners and learned counsel for the respondent.

6. Learned counsel for the petitioners submitted that the trial court ought to have dismissed the petition as the same is filed at pre-mature

stage and ought not to have entertained when the trial was not concluded by both sides. It is further contended that the trial court failed to appreciate the settled law that "the DNA test cannot be ordered in a routine manner as a matter of course". It is further contended that the trial court failed to appreciate the settled law that "the DNA testing can be issued if the test of "**eminent need"** otherwise cannot be entertained, and prayed to allow the C.R.P. by setting the aside passed by the learned Senior Civil Judge, Mahabubabad in I.A.No.256 of 2024 in O.S.No.37 of 2015.

7. Learned counsel for the respondent submitted that the impugned order passed by the trial court is legal and proper. It is further contended that the suit is one for partition and separate possession, wherein the relationship and status of the parties constitute the very foundation of the claim. During the cross-examination of PW.1, the petitioners have categorically denied the paternity and relationship of the respondent with late Sundar, thereby giving rise to a serious dispute. It is further contended that the application seeking DNA test was not filed as a matter of course, but only after such denial was brought on record. The direction for DNA testing satisfies the test of **"eminent need"**, as no other reliable evidence would conclusively determine the issue of relationship and relied upon the judgment of the Hon'ble Apex Court in **Narayan Dutt**

Tiwari v. Rohit Shekar and Another[1], wherein it was held that "DNA testing can be issued if the test of **"eminent need"** is satisfied and not be allowed for the mere asking. It is further contended no prejudice is caused to the petitioners by the impugned order and that the same does not suffer from any illegality or irregularity.

8. This Court has carefully considered the rival submissions and perused the material available on record. It is well settled that DNA testing cannot be directed routinely, and such direction can be issued only when the Court finds an eminent and compelling necessity for the same. In the present case, the suit being one for partition and separate possession, the respondent's entitlement depends merely on establishing her relationship with late Sundar. The petitioners having specifically denied such relationship during trial, the burden lies on the respondent to prove the same. In such circumstances, the trial court rightly found that the DNA test would assist effectively in adjudicating the real controversy between the parties. Hence, this Court finds no perversity, illegality or irregularity in the order passed by the trial court.

9. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs.

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[1] (2012) 12 SCC 554

As a sequel thereto, miscellaneous applications if any pending in this petition, shall stand closed.

SD/- K. BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Senior Civil Judge At Mahabubabad.(with records if any)
2. One CC to SRI. Gundlapalli V.S.S.S.Sruthi, Advocate [OPUC]
3. One CC to SRI. Gaddam Jagannatham, Advocate [OPUC]
4. Two CD Copies

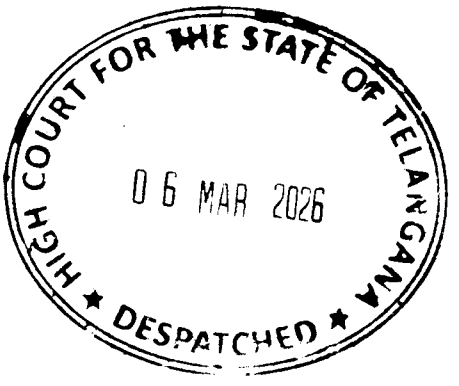
PSL

HIGH COURT

DATED:04/12/2025

ORDER

CRP.No.2925 of 2025



CIVIL REVISION PETITION IS DISMISSED.

21/2/26