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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAT.APP.(F.C.) 294/2023**

DEEPAK MAHTO

.....Appellant

Through: None

versus

STATE (DELHI ADMINISTRATION) & ORS.Respondents

Through: Mr. Jaiveer and Mr. Irshad, Advs. for
R-2, 3 & 4.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

24.01.2025

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1. None appears for the appellant. Interestingly, as pointed out by the learned counsel appearing for respondent nos. 2 to 4, there was no appearance on behalf of the appellant on the last date of hearing as well. Today, an adjournment slip has been circulated by the learned counsel for the appellant. As per the settled position, mere circulation of an adjournment slip by any party cannot be a sufficient ground to adjourn the matter. Given the aforesaid circumstances, we find no reason to allow the request for adjournment made by the learned counsel for the appellant.

2. Furthermore, we find that the appellant has approached this Court with a grievance that his claim for custody of the respondent no.4/ minor child was wrongly rejected by the learned Family Court without appreciating the fact that the child was born out of a relationship of the



appellant with the respondent no.2.

3. A perusal of the record before us reveals that the respondent nos. 2 to 4 have filed a copy of the Paternity Test Report dated 25.07.2023 obtained from Dr. Lal PathLabs alongwith its reply qua the parentage of respondent no.3 of the respondent no.4, which discloses that there is a (high) probability of 99.99999065% that the respondent no.3, is indeed the father of respondent no.4.

4. Once more, even though the above report was filed by the respondent nos. 2 to 4 way back on 01.04.2024, despite there being a lapse of around ten months, no response has been filed by the appellant till date. Therefore, we are of the view that the respondent no.2's claim that the respondent no.3 is the father of the respondent no.4, needs to be accepted.

5. Moreover, under the facts involved when the only issue raised is qua the paternity of a child, i.e. the respondent no.4 herein, in our considered opinion it can only be the biological mother of the said respondent no.4, i.e. the respondent no.2, who can be the best person and the sole authority to divulge the correct facts. Therefore, this Court ought to rely upon the testament of the said respondent no.2, who, admittedly, has said that the respondent no.3 is the biological father of the child, i.e. the respondent no.4.

6. Hence, the appellant has nothing to do with the respondent no.4. We, therefore, find no merit in the appeal, which is accordingly dismissed.

REKHA PALLI, J

SAURABH BANERJEE, J

JANUARY 24, 2025/akr