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

+ **W.P.(CRL) 3064/2024**

THOPPANI SANJEEV RAO

.....Petitioner

Through: Ms. Thoppani Sonia, Advocate with
Petitioner in person

versus

NATIONAL COMMISSION FOR PROTECTION OF CHILD
RIGHTS (NCPCR) AND ORS

.....Respondents

Through: Mr. Abhaid Parikh and Ms. Garima
Sardana, Advocates

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

18.03.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

CRL.M.A. 2729/2025 (not to condone the condonation application)

1. In view of order dated 29.01.2025 whereby the predecessor bench has already condoned the delay of 20 days in filing reply, which order was passed in presence of counsel for petitioner, this application has become infructuous, so dismissed.

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2. The petitioner wants to challenge maternity of the child on the ground that there was no cohabitation because of medical issues of wife of petitioner. Firstly, wife of petitioner has not been impleaded as a party. Secondly, the petitioner raises questions of fact for which full fledged trial would be required, which cannot be carried out in writ proceedings. Further, challenging the paternity or maternity of a child has serious effects on rights



of the child, so such challenges must be dealt with absolute caution after examining the detailed evidence.

3. At this stage, learned counsel for petitioner on instructions of petitioner present in court room seeks permission to withdraw this petition. Accordingly, the petition is dismissed as withdrawn.

GIRISH KATHPALIA, J

MARCH 18, 2025/rk

Click here to check corrigendum, if any