



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
: NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 1023 OF 2024

SUDHAKAR S/o CHANDRABHAN GHUGE

VERSUS

RAJU S/o SUDHAKAR GHUGE

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. R. S. Kurekar, Advocate for the petitioner.
Mr. R. N. Ghuge, Advocate for the respondent.

CORAM : M. W. CHANDWANI, J.

DATE : FEBRUARY 18, 2026.

1. Heard Mr. R. S. Kurekar, learned counsel appearing for the petitioner and Mr. R. N. Ghuge, learned counsel appearing for the respondent.

2. The challenge in this petition is to the order dated 16.01.2024 passed by the learned Joint Civil Judge, Junior Division, Malegaon, Dist. Washim, below Exh.29 in Regular Civil Suit No. 55/2013 thereby allowing the application (Exh.29) filed by the respondent for collection of the blood sample of the petitioner for the purpose of conducting DNA analysis in order to ascertain the paternity of the respondent with the petitioner.

3. The petitioner is the original defendant and respondent is the original plaintiff. They are the father and the son.

4. The contention of the petitioner is that the direction for DNA test not only violates his personal and fundamental right but also infringes his right to privacy. The another ground which is raised by the petitioner is that the mother of the respondent in settlement before the Court in earlier suit had stated that the respondent is not the son of the petitioner. Therefore, according to the learned counsel for the petitioner, the order does not stand to the scrutiny of law the same deserves to be quashed and set aside.

5. Having heard learned counsels appearing for the respective parties and having gone through the impugned order, it appears that a suit was filed by the respondent for declaration that the petitioner is his biological father. The respondent claimed that his mother was having extra marital affair with the petitioner, which has been denied by the petitioner in the written statement. Therefore, the respondent filed application (Exh.29) seeking collection of the blood samples of the petitioner for the purpose of conducting the Deoxyribonucleic Acid (for short 'DNA') test in order to ascertain the paternity of the respondent with the petitioner.

6. The Trial Court, relying on the decision in the case of *Bhabani Prasad Jena vs. Convenor Secretary, Orissa State Commission for Women and another*, reported at (2010) 8 SCC 633, opined that the issue of paternity is

directly involved in the suit and therefore, allowed the application (Exh.29). Being aggrieved with the said order, the petitioner is before this Court.

7. It is pertinent to note here that the Supreme Court in the case of *Aparna Ajinkya Firodia Vs. Ajinkya Arun Firodia*, reported at *2023 SCC Online SC 161* observed that if a paternity of the children is in issue in a proceeding, DNA test may be the only route to establish the truth. Moreover, it is also well established in the case of *Sharda Vs. Dharampal*, reported at *(2003) 4 SCC 493* that the order passed by the matrimonial Court ordering a person to undergo medical test is not violative of the right of a personal liberty as envisaged under Article 21 of the Constitution of India.

8. Therefore, no interference is required in the impugned order dated 16.01.2014 passed by the learned Joint Civil Judge, Junior Division, Malegaon, Dist. Washim. The petition being devoid of merits, deserves to be dismissed.

9. Accordingly, the writ petition is dismissed.

(M.W.Chandwani, J.)