



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

Writ Petition No.423/2026
Mohan V Sanjay and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.A. Dhawas, Advocate for petitioner.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 17-01-2026.

Heard.

2. The petitioner who is original defendant in the suit has challenged order dated 28-08-2025 passed by the trial Court, rejecting the application for conducting fresh DNA test from Forensic Laboratory at Pune or Mumbai or Hyderabad.

3. The trial Court has rejected the application by observing that there is a DNA test report dated 29-04-2025 already on record and the subsequent application filed by the defendant for seeking fresh DNA report does not disclose any objections/lacunae with respect to the earlier DNA report. Even the learned Counsel for the petitioner failed to demonstrate any objections or any reasons for showing any need for fresh DNA report. Although, it is submitted that there is a necessity for obtaining fresh DNA report, so that the controversy involved in the suit could be finally adjudicated, however, fact remains that the application filed for conducting fresh DNA test at Exhibit-54 does not mention specific objections.

4. Perusal of the impugned order shows that the trial Court has given due consideration to the relevant aspects including the contents of

the application and by a reasoned order rejected the application. Hence, no perversity is seen with the impugned order. Writ petition is accordingly dismissed. No order as to costs.

5. However, the petitioner/defendant no.1 in the civil suit, is permitted to file fresh application by raising appropriate objections/lacunae in the DNA report on record. If any such application is filed, the trial Court is entitled to independently consider it and decide it in accordance with law.

(Prafulla S. Khubalkar, J.)