HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 20850/2026
CNR: RJHC020929362026 | URN: CW / 43626U / 2026

1. Smt. Beena W/o Late Shri Prakash Chand Jain, aged about 60 Years, R/o D-23, Mahesh Nagar, 80 Feet Road, Tonk Phatak, Jaipur.
2. Pulkit Jain S/o Late Shri Prakash Chand Jain, aged about 32 Years, R/o D-23, Mahesh Nagar, 80 Feet Road, Tonk Phatak, Jaipur.
3. Prerna D/o Late Shri Prakash Chand Jain, aged about 36 Years, R/o D-23, Mahesh Nagar, 80 Feet Road, Tonk Phatak, Jaipur.

----Petitioners/Defendants

Versus

1. Manasvi Jain D/o Late Piyush Jain, Minor, aged about 7 Years, Through Natural Guardian Mother Jyoti Jain, R/o Plot No. D-23, Mahesh Nagar 80 Feet Road, Tonk Phatak, Jaipur Currently Residing At Panchvati Colony, E-Block, Sanganer, Jaipur, Rajasthan.

---Respondent/Plaintiff

2. Acharaj Devi Wife of Late Teekam Chand Jain D/o Late Prakash Chand Jain, aged about 80 Years, R/o D-23, Mahesh Nagar, 80 Feet Road, Tonk Phatak, Jaipur.
3. Deputy Registrar No. 04, District Jaipur, Nagar Nigam, Lal Kothi, Jaipur.

----Performa Respondents

For Petitioner(s)	:	Mr. Shreyansh Dhariwal for Mr. Kamlesh Sharma
For Respondent(s)	:	

HON'BLE MR. JUSTICE ANAND SHARMA

Order

27/10/2026

1. This writ petition under Article 227 of the Constitution of India has been filed by the petitioners assailing order dated

Digitally signed by
Neeru Bala
Date: 2026.10.30
10:13:56 IST

20.08.2026 passed by the learned Additional District Judge No.5, Jaipur Metrpolitan Ist, Jaipur, whereby the application filed by the petitioners under Section 151 CPC for conducting DNA test of daughter of the deceased-Piyush Jain so as to establish her paternity has been dismissed.

2. It is stated that suit for partition has been filed before the trial Court in which, it has been shown that 'M' is a daughter born out of wedlock of Late Shri Piyush Kumar Jain and Jyoti Jain. It is further stated that character of mother of 'M' was not proper and she was leading adulterous life with another person therefore, the applicant-petitioner apprehended that 'M' is not the biological daughter of deceased son of petitioner.

3. Heard learned counsel for the petitioners and perused the record.

4. The aforesaid application was examined by the trial Court while appreciating the nature of the suit and pleadings therein. In a suit for partition, filing such an application cannot be countenanced by the Court of law, more particularly, where the admitted facts establish that 'M' was born after two years from the date of marriage of deceased son of the petitioner and his wife, who is acknowledged as mother of 'M'. Significantly, even the judgment dated 22.04.2017 has been considered by the trial Court, which was passed by the learned Family Court in a divorce petition under Section 13-B of the Hindu Marriage Act, 1955, whereby deceased son of the petitioner and his wife (mother of 'M') took divorce by way of mutual consent and it was admitted by both the parties to the divorce petition that they had a daughter named 'M' aging two and half years. Thus, the application filed by

the petitioners before the trial Court is nothing but an unsuccessful attempt to cast doubt upon the paternity of the girl child, notwithstanding the unimpeachable material available on record.

5. In view of above, this Court finds that the application filed by the petitioners before the Court below is malicious and misuse of the process of the Court. Hence, the Court below has not committed any mistake in dismissing the application filed by the petitioners.

6. Looking to the nature of the application and ill-intention of the petitioners, this Court, while not interfering with the impugned order, imposes cost of Rs.25,000/- upon the petitioners, which shall be paid on or before the next date of hearing before the trial Court, to the respondent No.1.

7. The writ petition is accordingly, dismissed.

8. Pending application(s), if any, shall also stand disposed of.

(ANAND SHARMA),J

D-A/4/NEERU