

Nidheesh Vs Kerala State Of Kerala

Court: High Court Of Kerala

Date of Decision: Jan. 21, 2025

Hon'ble Judges: Dr. Kauser Edappagath, J

Bench: Single Bench

Advocate: Jazil Dev Ferdinanto, Santhosh P.Poduval, R.Rajitha, Chithra S.Babu, M.P. Prasanth

Final Decision: Disposed Of

Judgement

Dr. Kauser Edappagath, J

1. This original petition has been filed challenging the dismissal of an application for conducting DNA test to prove the paternity of the child.

2. The 2nd and 3rd respondents herein filed M.C.No.629/2022 before the Family Court, Thrissur on the allegation that the 2nd respondent is the wife

of the petitioner and the 3rd respondent is the child born out of the wedlock between the petitioner and the 2nd respondent. In the counter statement

filed by the petitioner in the MC proceedings, he denied the paternity of the child. Hence, he filed an application to conduct DNA test to prove the

paternity of the child. The Family Court as per Ext.P6 order dismissed the application mainly on the ground that there is no pleading regarding non

accessibility. It is challenging the said order, this original petition has been filed.

3. I have heard both sides.

4. It is not in dispute that the petitioner is the legally wedded husband of the 2nd respondent. The dispute is with regard to the paternity of the 3rd

respondent. The learned counsel for the 2nd and 3rd respondents submits that they also want to prove the paternity of the child and hence, they have

no objection in conducting the DNA test. Hence, the impugned order is set aside. The application seeking DNA test stands allowed.

The original petition is disposed of as above.