
(1999) 06 AP CK 0007

Andhra Pradesh High Court

Case No: CRP No. 345 of 1999

S. Kausalya

APPELLANT

Vs

M. Bharatha Laxmi and another

RESPONDENT

Date of Decision: June 10, 1999

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Section 151
- Evidence Act, 1872 - Section 45

Citation: (1999) 5 ALD 133 : (1999) 4 ALT 64 : (1994) 4 CivCC 259

Hon'ble Judges: Y.V. Narayana, J

Bench: Single Bench

Advocate: Mr. N. Ashok Kumar, for the Appellant; Mr. G. Vidya Sagar, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

1. This revision is directed against the Order in IA No.2727/98 in OP No.616/96 on the file of the Principal District Judge, Saroornagar, Hyderabad dismissing the application u/s 45 of the Evidence Act read with Section 151 CPC to send Baby Sujala and Laxmi (PW3) for D.N.A. Test for determining the parentage of Baby Sujala.

2. Pending the OP filed u/s 25 of the Guardians and Wards Act the petitioner filed the present application to send Baby Sujala and Laxmi (PW3) for D.N.A. Test to ascertain the parentage of Baby Sujala, which was dismissed. Aggrieved by the same the present CRP is filed.

3. It is contended by the learned Counsel for the petitioner that Court below is not correct in dismissing the application on the ground that the father of the child Baby Sujala is no more and the mother herself is not sufficient to ascertain the parentage of the child. It is common knowledge that the Medical Science is developed so much that in the absence of the father the parentage of the child can be ascertained when the mother is available.

4. In the circumstances, the order of the Court below is set aside and the CRP, is allowed directing the Court below to send Baby Sujala and Laxmi (PW3) for D.N.A. Test to the centre for D.N.A. Finger Printing and Diagnostics, CCMP Campus, Uppal Road, Hyderabad within two months from the date of receipt of a copy of this order. The said centre after conducting the D.N.A. Test shall send its report to the Court below. No costs.