

13-10-2025:

ORDER ON I.A.No.VI

The plaintiff has filed the present application under Section 112 of the Indian Evidence Act, 1872 R/w Section 75(E) of the CPC, praying to direct for conducting DNA test of the plaintiff and defendant No.1 for the purpose of proving that the plaintiff is son of defendant No.1.

In the affidavit filed in support of the application, the plaintiff has stated that he has instituted the present suit against the defendants seeking partition and separate possession of the suit properties. It is averred that the defendant No.1 is his father and defendant No.1 is his mother, and that the plaintiff was born out of their law full wedlock. However, the defendant No.1 is denied the paternity of the plaintiff. Hence, in order to establish the said facts and to substantiate his claim over the suit properties, the plaintiff seeks for a direction to conducting a DNA test of himself and defendant No.1 through the District Medical Officer, Government District General Hospital, Belagavi. The plaintiff has further stated that he is ready to bear the necessary expenses and fees for conducting such test.

On the other hand, the learned counsel for defendant No.1 has submitted that the defendant No.1 has no objection for allowing the application and for conducting the DNA test as prayed.

In view of the submission made and considering the nature of the dispute and the consent expressed by defendant No.1, this court is of the opinion that the prayer made by the plaintiff deserves to be allowed. Hence, this court deems it fit to pass the following:

ORDER

IA No.VI is hereby allowed.

The District Medical Officer, District Government General Hospital, Belagavi, is directed to conduct the DNA test of the plaintiff and defendant No.1 for the purpose of ascertaining paternity of the plaintiff.

The plaintiff shall bear the necessary expenses and deposit the requisite amount as directed by the concerned authority.

In pursuance of the order passed on IA No.6 directing DNA test of the plaintiff and defendant No.1 for determining the paternity of the plaintiff, both plaintiff and defendant No.1 are directed to present before the court on 23-10-2025 for the purpose of collection of blood/ biological samples.

Accordingly, the District Medical Officer, Government General Hospital, Belagavi, is hereby directed to depute a qualified medical officer or authorized technician to this court on 23-10-2025 at 11.00 am for the purpose of collecting the blood/saliva samples of the plaintiff and defendant No.1 in the presence of the Court.

The Medical Officer/ technician shall bring a required sterile equipment and sealed sample collection kits, and shall ensure that the procedure is carried out strictly in accordance with scientific and medical standards.

After proper identification of the parties by the court in presence of learned counsels

for both sides, the samples of the plaintiff and defendant No.1 shall be collected, duly sealed, labeled, and signed by the Medical Officer and by both parties in presence of the Court and learned counsel for both sides.

The sealed sample shall then be handed over to the medical officer, who shall take immediate steps to forward the same to the District Forensic Laboratory/Government General Hospital, Belagavi, for the conducting the DNA test.

The report shall be submitted to this Court in a sealed cover within four weeks.

Accordingly, office to issue intimation to District Medical Officer, Government General Hospital, Belagavi.

Senior Civil Judge, Bailhongal.