



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3331]

MONDAY, THE 3rd DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION NO: 2046/2024

Between:

1.PUNUKOLLU RAJA RAMAMOHAN RAO, S/O ARJUNA RAO, AGED
59 YEARS, R/O 1-105, PEDAPARUPUDI, PEDAPARUPUDI MANDAL,
KRISHNA DISTRICT

...PETITIONER

AND

1.PUNUKOLLU DINESH BABU, S/O RAJA RAMAMOHAN RAO, AGED
23 YEARS. PRIVATE EMPLOYEE, R/O D.NO 1/416, BAPUJI NAGAR,
GUDIVADA, KRISHNA DISTRICT.

2.PUNUKOLLU SAI SUSMITHA, , D/O RAJARAMAMOHAN RAO, AGED
28 YEARS, R/O 1-105, PEDAPARUPUDI, PEDAPARUPUDI MANDAL,
KRISHNA DISTRICT

3.PUNUKOLLU BINDU HARSHA, D/O RAJARAMAMOHAN RAO, AGED
30 YEARS, R/O 1-105, PEDAPARUPUDI, PEDAPARUPUDI MANDAL,
KRISHNA DISTRICT

...RESPONDENT(S):

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to set aside the order passed in I.A. 122 of 2023 in O.S. 20 of 2020 Dt. 01-08-2024 on the file of the Hon'ble Additional Civil Judge (Senior Division) Court, (FTC), Gudivada and pass

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased Stay All further proceedings in LA 122 of 2023 in O.S. 20 of 2020 on the file the Hon'ble Additional civil Judge (Senior Division) Court, (FTC), Gudivada pending disposal of this Civil Revision Petition and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to receive proposed additional material papers Viz. Copies of Depositions of Pws.1 & 2 along with copy of Ex. A5 (Birth Certificate) as filed by the 1st Respondent herein before the Court below, to meet the ends of Justice and pass

Counsel for the Petitioner:

1.D V V S S N H BHUJANGA RAO

Counsel for the Respondent(S):

1.SAMBOJU BALA GOPAL

The Court made the following order:

Heard Sri D.V.V.S.S.N.H.Bhujanga Rao, learned counsel for the petitioner, and Sri Samboju Bala Gopal, learned counsel for the respondents.

2. The 1st defendant in the suit filed the above revision against the order dated 01.08.2024 in I.A.No.122 of 2023 in O.S.No.20 of 2020 on the file of the Additional Civil Judge (Senior Division), FTC, Gudivada.

3. The 1st respondent, being the plaintiff, filed O.S.No.20 of 2020 against the revision petitioner and the other respondents seeking partition of the plaint schedule property. In the plaint, it was contended that the 1st defendant married Smt. Adi Lakshmi on 10.05.1998 and that the plaintiff was born out of wedlock. The plaintiff was born on 20.05.2000. The 1st defendant lived happily with the plaintiff and his mother till September, 2001, and thereafter deserted them. The plaintiff's mother filed M.C.No.51 of 2001 on the file of the

Additional Judicial First Class Magistrate, Gudivada. She also lodged a complaint in II Town Police Station, Gudivada, which was registered as Crime No.149 of 2001 under Sections 494 and 195 IPC. The 1st defendant compromised the matter with the plaintiff's mother and paid Rs.40,000/- to the plaintiff and his mother before the Lok Adalat, and the matter was settled in the Lok Adalat on 25.09.2004. The plaintiff is entitled to a share in the 1st defendant's property. However, the 1st defendant nominally and collusively executed a registered gift deed dated 24.01.2013 in favour of the 2nd defendant. With these allegations, the suit was filed seeking partition.

4. 1st defendant filed written statement denying the relationship as well as paternity. The plaintiff examined P.W.1 and got P.W.2 examined. Thereafter, the plaintiff filed I.A.No.122 of 2023 under Order XXVI Rule 10(A) CPC, to send the blood samples of the plaintiff and the 1st defendant to any Government Forensic Laboratory for a DNA test. In the affidavit filed in support of the petition, the plaintiff reiterated the averments made in the plaint. The 1st defendant filed a counter opposing the application. The trial Court, by an order dated 01.08.2024, allowed the application.

5. Learned counsel for the petitioner, while relying upon the judgment of the Hon'ble Apex Court in ***Ivan Rathinam vs. Milan Joseph***¹, submitted that the trial Court did not record any finding that the evidence on record was insufficient to order a DNA test. Learned counsel would further submit that the order under revision brooks interference.

6. Learned counsel for the 1st respondent, on the other hand, would submit that the revision petitioner denied the relationship as well as the paternity of the plaintiff. Hence, the plaintiff has no other option except to seek a DNA test, which is an accurate scientific test.

¹ 2025 SCC Online SC 175

7. **The point for consideration is:**

Whether the order dated 01.08.2024 in I.A.No.122 of 2023 in O.S.No.20 of 2020 on the file of the Additional Civil Judge (Senior Division), FTC, Gudivada, suffers from any illegality warranting interference?

8. The facts narrated *supra* need no reiteration. The Hon'ble Apex Court in **Ivan Rathinam case**, while considering the eminent need for a DNA test, observed as follows:

"46. When dealing with the eminent need for a DNA test to prove paternity, this Court balances the interests of those involved and must consider whether it is possible to reach the truth without the use of such a test

47. First and foremost, the courts must, therefore, consider the existing evidence to assess the presumption of legitimacy. If that evidence is insufficient to come to a finding, only then should the court consider ordering a DNA test. Once the insufficiency of evidence is established, the court must consider whether ordering a DNA test is in the best interests of the parties involved and must ensure that it does not cause undue harm to the parties. There are thus, two blockades to ordering a DNA test: (i) insufficiency of evidence; and (ii) a positive finding regarding the balance of interests

51. In the case at hand, we cannot say that there is insufficient evidence to come to a conclusion regarding the presumption of legitimacy. The Respondent and his mother placed on record certain letters, claimed to be written by the Appellant, where he allegedly admitted his paternity. They were deemed unreliable as they could not be proved to be written by the Appellant. Even the Register of Birth in Cochin clearly recorded Mr. Raju Kurian's name as the father of the Respondent. Documentary evidence aside, it is uncontested that the Respondent's mother and Mr. Raju Kurian were residing together, in a valid, subsisting marriage when the Respondent was conceived. Thus, in our considered opinion, there seems to be ample evidence to presume legitimacy and there is absolutely no confusion as to whether the presumption would apply. Further, as analyzed in detail above, the balance of interest does not support mandating a DNA test, as it is likely to have a disproportionately adverse impact on the Appellant and the Respondent's mother. As a result, there is no 'eminent need' for a DNA test".

9. In the case at hand, as noted *supra*, the trial Court did not record any finding regarding the sufficiency or insufficiency of the evidence.

10. Considering the facts and circumstances of the case, the order under revision brooks interference. Accordingly, the order dated 01.08.2024 in I.A.No.122 of 2023 in O.S.No.20 of 2020 on the file of the Additional Civil Judge (Senior Division), FTC, Gudivada, is hereby set aside. I.A.No.122 of 2023 is restored to the file. The learned trial Court shall consider the application afresh keeping in view the observations made by the Hon'ble Apex Court in ***Ivan Rathinam case***. The learned trial Court shall pass appropriate orders as expeditiously as possible, preferably within a period of six (06) weeks from the date of receipt of a copy of the order.

11. Accordingly, the civil revision petition is disposed of. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SUBBA REDDY SATTI

Dated: 03.08.2026
SNI

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THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

CIVIL REVISION PETITION No.2046 of 2024

Dated: 03.08.2026
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