

APHC010390972024



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

[3332]

FRIDAY, THE SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 2046/2024

Between:

Punukollu Raja Ramamohan Rao

...PETITIONER

AND

Punukollu Dinesh Babu and Others

...RESPONDENT(S)

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 interim order:

C.R.P.No.2046 of 2024

No representation for the respondents.

Registry is directed to delete the name of Sri G.Rama Krishna, learned counsel from the cause list.

Post on 10.04.2026.

JUSTICE RAVI CHEEMALAPATI

I.A.No.01/2024

Heard the learned counsel for the petitioner.

Learned counsel for petitioner submitted that the I.A.No.122/2023 has been filed by the 1st respondent herein/plaintiff under Order 26 Rule 10(A) for sending the blood samples of the petitioner/1st defendant and 1st respondent for D.N.A. test and the said I.A. was allowed by the court below under its orders dated 01.08.2024. He further submitted that, by virtue of the said orders, the petitioner is under pressure to give blood samples. He further submitted that, petitioner/1st defendant cannot be compelled to give blood samples for a DNA identification test as it is a violation of the fundamental right of privacy and to produce evidence in support of the 1st respondent. In support of his contentions, learned counsel for the petitioner relied on judgment in ***Ivan Rathinam Vs Milan Joseph¹***, wherein it was held thus:

D.1.2.2 Eminent need for a DNA test:

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.

¹ (2025) 1 S.C.R. 1009

Perused the orders impugned in this revision petition. The submissions made by the learned counsel for petitioner and the grounds raised in this revision petition *prima facie* makes out a point for consideration to be decided in this revision petition. As such this Court is inclined to grant the following interim direction:

There shall be interim stay of all further proceedings in I.A.No.122/2023 in O.S.No.20 of 2020 on the file of learned Additional Civil Judge(Senior Division), FTC, Gudivada, for a period of four(04) weeks.

JUSTICE RAVI CHEEMALAPATI

BRS