

[3332]



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE SIXTH DAY OF MARCH

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

IA No. 1 OF 2024

IN

CRP NO: 2046 OF 2024

Between:

Punukollu Raja Ramamohan Rao, S/o Arjuna Rao, Aged 59 years, R/o 1-105, pedaparupudi, Pedaparupudi Mandal, Krishna District

...Petitioner/ Defendant No.1

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.

...Respondents/Respondents

Counsel for the Petitioner: SRI D V V S S N H BHUJANGA RAO

Counsel for the Respondent No.1: VSRI SAMBOJU BALA GOPAL

Petition under Section 151 CPC is filed 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 IA 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 CRP No. 2046 of 2024, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

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 Joseph*¹, 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

¹ (2025) 1 S.C.R. 1009

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.

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.

Sd/- N. NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Additional Civil Judge(Senior Division), FTC, Gudivada.
2. Punukollu Dinesh Babu, S/o Raja Ramamohan Rao, Private employee, R/o D.No 1/416, Bapuji Nagar, Gudivada, Krishna District.
3. Punukollu Sai Susmitha, D/o Rajaramamohan Rao, R/o 1- 105, pedaparupudi, Pedaparupudi Mandal, Krishna District.
4. Punukollu Bindu Harsha, D/o Rajaramamohan Rao, R/o 1- 105, pedaparupudi, Pedaparupudi Mandal, Krishna District.(1 to 3 By RPAD)
5. One CC to SRI. D V V S S N H BHUJANGA RAO, Advocate [OPUC]
6. One CC to SRI. SAMBOJU BALA GOPAL, Advocate [OPUC]
7. One spare copy

ADP

HIGH COURT

RC,J

DATED:06/03/2026

POST ON 10.04.2026

ORDER

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INTERIM STAY

