



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2862 of 2024

BHARTI SAHU AND ANOTHER **versus** VIJAY KUMAR SAHU

Order Sheet

23/10/2024	Mr. Virendra Kashyap, learned counsel for the petitioner. Heard on admission. Admit. Issue notice to the respondent on the main petition as well as on I.A. No. 01/2024, which is an application for grant of interim relief, P. F. and copies as per rules. Notice be made returnable within 4 weeks. Also heard on I.A. No. 01/2024, application for grant of interim relief. Learned counsel for the petitioner would submit that the petitioner no.1 being the wife along with petitioner no. 2 minor son of the respondent, has preferred an application under Section 125 of Cr.P.C. for grant of maintenance amount. In the said proceeding, the respondent husband preferred an

application for conducting the DNA test of the petitioner no.2, denying his paternity. The learned family Court has allowed the application of the respondent husband and directed for conducting the DNA test of the petitioner no.2. Learned counsel for the petitioner would submit that the question of paternity is a claim of civil nature and in 125 Cr.P.C. proceeding direction cannot be given for DNA test of the petitioner no.2. The learned family Court has ordered for conducting the DNA test in routine manner which cannot be made in such a casual and routine manner, therefore, he prayed for grant of interim relief.

Considering the facts and circumstances of the case, purely as an interim measure, it is directed that the effect and operation of the impugned order dated 27.09.2024, whereby direction to conduct DNA test of the petitioner no.2, shall remain stayed till the next date of hearing. However, the other proceedings may go on.

List this case immediately after service of notice upon the respondent.

Certified copy today.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE