

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH************112****CR-8785-2025****Date of Decision.: 23.04.2026****Niranjan Singh****.....Petitioner****Vs.****Laxmi Devi and Others****.....Respondents****CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Ram Darshan Yadav, Advocate
for the petitioner.

**********DEEPAK GUPTA, J. (ORAL)**

The present revision petition is directed against the order dated 24.07.2025 passed by the learned Civil Judge (Junior Division), Rewari, whereby the application filed by defendant No.1–petitioner seeking a direction for conducting DNA testing of the plaintiff Laxmi Devi along with himself, has been dismissed.

2. The suit out of which the present revision arises is one for declaration instituted by the plaintiff, asserting herself to be the biological daughter of defendant No.4 and claiming consequential rights. The said claim is disputed by the defendants. Defendant No.1, in order to controvert the claim of the plaintiff, moved an application before the trial Court seeking a direction for DNA testing of the parties concerned.

3. The learned trial Court declined the said prayer, inter alia, holding that such a direction cannot be issued in the absence of consent and that the burden to establish the asserted relationship lies upon the plaintiff.

4. Learned counsel for the petitioner contends that the DNA test is necessary for a just adjudication of the dispute and for arriving at the truth. It is argued that scientific evidence would conclusively determine the



controversy.

5. This Court has considered the submissions.

6. It is well settled that though the Court has the power to direct medical examination, including DNA testing, such power is to be exercised with circumspection. In ***Sharda v. Dharmpal (2003) 4 SCC 493***, it has been held that such a direction is permissible in law. However, in ***Bhabani Prasad Jena v. Convenor Secretary, Orissa State Commission for Women and another 2010 (8) SCC 633***, the Hon'ble Supreme Court has cautioned that DNA tests should not be directed as a matter of routine and only when it is eminently needed for a just decision. Further, in ***Ashok Kumar v. Raj Gupta and others (2022) 1 SCC 20***, it has been reiterated that the Court must balance the right to privacy of an individual with the need for truth.

7. In the present case, the prayer is by defendant No.1 seeking to compel the plaintiff to undergo DNA testing. Such a direction would have serious implications on the bodily integrity and privacy of the plaintiff. The law does not permit a party to be compelled to undergo such a test merely to enable the opposite side to disprove a claim, particularly when the burden to establish the pleaded relationship primarily lies upon the plaintiff herself.

8. At this stage, it cannot be said that the controversy is incapable of being adjudicated on the basis of other evidence. The petitioner cannot insist upon DNA testing as a matter of right, nor can the Court direct such testing in a routine manner, especially in the absence of any compelling circumstances demonstrating that such examination is indispensable.

9. The learned trial Court has thus exercised its discretion in accordance with settled legal principles. No illegality, perversity or jurisdictional error is made out warranting interference by this Court in exercise of its revisional jurisdiction.

10. However, it is clarified that if, in the course of trial, upon



appreciation of the evidence led by the parties, the learned trial Court comes to the conclusion that the issue involved cannot be effectively adjudicated without scientific examination and that such a course is absolutely necessary in the interest of justice, it shall be open to the Court to consider such a request at an appropriate stage, in accordance with law and keeping in view the principles laid down by the Hon'ble Supreme Court in the judgments referred to hereinabove.

11. With the aforesaid observations, the present revision petition stands dismissed.

(DEEPAK GUPTA)
JUDGE

April 23, 2026

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No