

ITEM NO.22 COURT NO.2 SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).17622/2012

(From the judgement and order dated 27/04/2012 in FAO No.547/2011 of The HIGH COURT OF DELHI AT N. DELHI)

NARAYAN DUTT TIWARI Petitioner(s)

VERSUS

ROHIT SHEKHAR & ANR Respondent(s)

(With prayer for interim relief and office report)

Date: 24/05/2012 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DEEPAK VERMA
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
(Vacation Bench)

For Petitioner(s) Mr. Gopal Subramaniam, Sr. Adv.
Mr. Anirudh Sharma, Adv.
Mr. Abhishek Seth, Adv.
Mr. Anubhav Kumar, Adv.
Mr. Vishal Kumar, Adv.

For Respondent(s) Mr. Amit Sibal, Adv.
Ms. Vedanta Verma, Adv.
Ms. Ruby Singh Ahuja, Adv.
Ms. Pragya, Adv.
Mr. Vibhor, Adv.
Mr. Ishan Goel, Adv.
Mr. Mohit Chadha, Adv.
Mr. Sachin Midha, Adv.
Mr. Rishabh Maheshwari, Adv.

UPON hearing counsel the Court made the following
O R D E R

1. Having heard the learned senior counsel for Petitioner and after perusal of the record, we are not inclined to interfere with the impugned order. The Special Leave Petition is, accordingly, dismissed.

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2. However, we still feel that certain protection with regard to confidentiality of the whole matter has to be granted to the Petitioner. We have been informed that presently, the Petitioner is residing at Anant Van, FRI Campus, Dehradun, Uttarakhand and is not in a position to move freely on account of his old age.

3. We, therefore, direct that the Civil Surgeon of Government Hospital at Dehradun along with a Pathologist, the District Judge of Dehradun and the Joint Registrar Original Side of the Delhi High Court, would visit the residence of the Petitioner on Tuesday, the 29th May, 2012 at 10.30 A.M. and the Pathologist would take the blood sample of the Petitioner in confidentiality in their presence for DNA profile test and the said sample shall be

sent in a proper seal immediately to Centre for DNA Fingerprinting and Diagnostics (CDFD), Bldg.7, Gruhakalpa, 5-4-399/B, Nampally, Hyderabad - 500 001 for analysis, by a Special Messenger of Delhi High Court who shall not be below the rank of Assistant Registrar. After test of DNA profile, the Centre for DNA Fingerprinting and Diagnostics (CDFD), Hyderabad will forward the Report of the Analyst as soon as possible by a Special Messenger in a sealed cover to the Registrar General of Delhi High Court who will place the said Report before the Court.

4. We direct the Petitioner to remain himself present at his residence i.e. Anant Van, FRI Campus, Dehradun, Uttarakhand, on Tuesday, the 29th May, 2012, positively.

5. Respondents, if they so desire, may remain present either in person or through their representatives and also a representative of Petitioner may remain present at the aforesaid date and time of taking blood sample of the Petitioner at his residence.

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6. The Secretary General of this Court is directed to forward a copy of this Order by Fax to the Registrar General of Delhi High Court, Registrar General of Uttarakhand at Nainital, District Judge of Dehradun and the Head of the Centre for DNA Fingerprinting and Diagnostics (CDFD), Hyderabad, forthwith. The District Judge, Dehradun is directed to inform of this Order to the Civil Surgeon, Government Hospital, Dehradun immediately so as to take necessary steps for collecting the blood sample of the Petitioner.

7. The impugned order of the High Court stands modified to the extent as stated above.

8. We also make it clear that this Order would be without prejudice to any of the parties as the civil suit is still pending in the court below.

(Sanjay Kumar-II)  
Court Master

(S.S.R. Krishna)  
Court Master

[Copy of the order be given dasti]