

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

RECORD OF PROCEEDINGS

WRIT PETITION (CRL.) NO(s). 110 OF 2003

NIRMALJIT KAUR

Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

(With appln.for permission to file additional affidavit and permission to submit addl.documents and clarification/modification of Court's order and directions and exemption from personal appearance and office report)

(For Final Disposal)

WITH CONMT.PET.(CRL) NO. 1/2005 in WP(Crl)No.110/2003

(With office report)

Date: 15/07/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Appellant(s) Mr. Harinder Mohan Singh,Adv.

Ms.Shabana Saifi,Adv.

Mr.Kaushal Yadav,Adv.

Respondent-In-Person

For Respondent(s) Mr. Manoj Swarup,Adv.

Mr.D.P.Singh,Adv.

Mr. Bimal Roy Jad ,Adv

UPON hearing counsel the Court made the following

O R D E R

The dispute between the parties relates to the identity of the child. According to the

petitioner, the child is not the petitioner's. According to the respondents, the child is

the petitioner's daughter. Having regard to the nature of the dispute, we are of the

view that the issue should be resolved as far as is scientifically accurate, by having the

DNA of (i) the petitioner, (ii) the child claimed to be daughter of the petitioner, (iii)

Arminsterjit Singh Batra and (iv) Ranjeeta Kaur, tested.

:2:

It is stated by the learned counsel appearing on behalf of the respondents

that both Arminsterjit Singh Batra and Ranjeeta Kaur are in the United States in

connection with their son's grave illness. The matter is adjourned by four weeks

within which period the respondents will file an affidavit to the aforesaid effect. In the

meanwhile, the petitioner's as well as the girl's DNA will be tested by the Centre for

DNA Finger Printing, Hyderabad. The Registry will intimate this order to Dr.Syed

Hasnain, Director, Centre for DNA Finger Printing, Hyderabad. The Director will

indicate to the Registrar General of this Court, the procedure to be followed to collect

the necessary samples. The Registrar General or such officer, as he may nominate, will

fix a date on which the parties should be available for test and intimate the same to

the learned advocates-on-record for the parties. At least 10 days' notice to be given.

The Registry to make necessary arrangements in keeping with the procedure

prescribed by the Director. The Director is requested to ensure that the Report is

made available to this Court expeditiously and preferably within one week from the

date of the receipt of the samples. The Report to be kept in a sealed cover by the

Registrar General or his nominee.

It is recorded that the envelopes containing the passports of Gurbachan Singh

Batra, Harbans Kaur and two passports of Harsimran which were opened in Court

today are resealed and kept in safe custody. It is also recorded that

:3:

the passport of Harsimran issued on 6.6.99 was shown to the petitioner who is

appearing before us today. The petitioner has stated that the photograph of the child

on the passport is not her daughter.

A decision as to who is to bear the costs, if any, of the test conducted by

the Centre for DNA Finger Printing, Hyderabad, will be determined after receipt of

the report from the Centre.

(Usha Bhardwaj)

P.S. To Registrar

(Madhu Saxena)

Court Master