

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 (Crl) No(s).8852/2008

(From the judgement and order dated 13/06/2008 in CRLWP No. 293/2008
of The HIGH COURT OF BOMBAY AT NAGPUR)

NANDLAL WASUDEO BADWAIK Petitioner(s)

VERSUS

LATA NANDLAL BADWAIK & ANR. Respondent(s)

(With appln(s) for exemption from filing O.T., directions, stay,
permission to file additional documents and office report)

Date: 22/07/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH
HON'BLE MR. JUSTICE SURINDER SINGH NIJJARFor Petitioner(s) Mr. Satyajit A. Desai, Adv.
Mr. Somanath Padhan, Adv.
Ms. Anagha S. Desai, Adv.For Respondent(s) Mr. Manish Pitale, Adv.
Mr. Wasi Haider, Adv.
Mr. Chander Shekhar Ashri, Adv.UPON hearing counsel the Court made the following
O R D E R

Despite the fact that the report of the DNA Test conducted at the Regional Forensic Science Laboratory, State of Maharashtra, Nagpur - 12, indicates that the petitioner is not the biological father of the respondent No.2, on the prayer made on behalf of the respondents for a re-test, we are of the view that such a prayer may be allowed having regard to the serious consequences of the Report which has been filed.

Accordingly, we direct that a further DNA Test be conducted at the Central Forensic Laboratory, Ministry of Home Affairs, Government of India at Hyderabad and for the said purpose the parties are directed to appear before the Laboratory on 24th August, 2011, at 11.00 a.m.

Let this matter stand adjourned till 8th September, 2011, for the Report of the Laboratory to be submitted to this Court.

Let a copy of this order be made available to the learned counsel for the respective parties for communication to the Central Forensic Laboratory at Hyderabad, which is directed to act on the basis of the said order. The Central Forensic Laboratory at Hyderabad is directed to submit its report to this Court well before the next date of hearing. The parties will bear their own cost as far as travelling

and lodging is concerned, but the charges for conducting the DNA Test shall be borne by the respondent-wife.

(Chetan Kumar)
Court Master

(Juginder Kaur)
Assistant Registrar