

Narayan Dutt Tiwari v. Rohit Shekhar, (2012) 12 SCC 554

Contract and Specific Relief

Specific Relief Act, 1963

Ss. 34, 35 and 36 - Paternity declaration and perpetual injunction against denial of paternity - Suit filed for - Interim order directing DNA test - Putative father's unwillingness to subject himself to DNA test - Coercive measures if can be taken to obtain his blood sample - Privacy that can be afforded to putative father while taking his blood sample - High Court holding that court can use reasonable force by taking police assistance if blood sample is not willingly given - Supreme Court while dismissing putative father's SLP, modifying High Court directions to the extent that confidentiality would be afforded to petitioner by taking sample at his residence (instead of requiring him to come to court premises for this purpose) - Petitioner's old age also taken into consideration - Detailed directions issued - Putative son and his mother also permitted to be present at the time of taking sample (so that genuineness of sample remains free from controversy) - DNA lab directed to furnish its report in a sealed cover, (2012) 12 SCC 554-A