



CIVIL

# DNA Testing and Paternity Disputes: The Supreme Court Reaffirms the Balance of Interests

Introduction In a significant ruling delivered on May 29, 2026, the Supreme Court of India in *Chaturbhuj Pradhan v. Amar Pradhan & Anr.* (2026 INSC 600) dismissed an appeal challenging a direction to undergo DNA testing for the determination of paternity. The judgment, authored by Justice Sanjay Karol and concurred in by Justice Nongmeikapam Kotiswar [...]

**AUTHOR** Rahul Sundaram, Tanvi Dalvi

**PUBLISHED** 13 June 2026

## Introduction

---

In a significant ruling delivered on May 29, 2026, the Supreme Court of India in *Chaturbhuj Pradhan v. Amar Pradhan & Anr.* (2026 INSC 600) dismissed an appeal challenging a direction to undergo DNA testing for the determination of paternity. The judgment, authored by Justice Sanjay Karol and concurred in by Justice Nongmeikapam Kotiswar Singh, provides a lucid and authoritative restatement of the legal framework governing court-directed DNA tests in civil proceedings a framework premised on the twin pillars of evidentiary insufficiency and the balance of competing interests.

Table of contents

- [Introduction](#)
- [Background and Factual Matrix](#)
- [Issues in Contention](#)
- [Submissions of the Parties](#)
- [Judicial Precedents Relied Upon](#)
- [Court's Analysis and Final Decision](#)
- [Significance](#)

## Background and Factual Matrix

---

The dispute traces its origins to January 1999, when the second respondent alleged she had consensual relations with the appellant, Chaturbhuj Pradhan ("CP"), resulting in the birth of the first respondent, Amar Pradhan, on September 10, 1999. CP categorically denied paternity throughout, relying principally upon his acquittal in a case registered by the second respondent under Section 376 of the Indian Penal Code, 1860.

The matter had a protracted litigation history spanning over two decades. Between 2003 and 2010, multiple maintenance proceedings were initiated before various forums. In one notable proceeding, the High Court of Chhattisgarh observed that the second respondent had failed to establish any familial connection between Amar and CP. This order was challenged before the Supreme Court and eventually disposed of before the Lok Adalat in 2024, where it was noted that Amar, then 24 years of age, had by that time attained majority and the maintenance claim no longer survived.

Exercising his independent legal standing upon attaining majority, Amar filed a civil suit seeking a declaration of paternity and a one-third share in CP's property. The trial court directed CP to undergo a DNA test to ascertain paternity, a direction affirmed on appeal by the High Court of Chhattisgarh, which held that no other form of evidence could satisfactorily resolve the question. CP thereupon preferred the present Special Leave Petition before the Supreme Court.

## Issues in Contention

---

Four principal issues fell for consideration before the Supreme Court: first, whether CP could be compelled to furnish a DNA sample in the absence of his consent; second, whether there existed an eminent need justifying a DNA test on the particular facts of the case; third, whether an adverse inference under Section 114(h) of the Indian Evidence Act, 1872 was permissible against CP at that juncture; and fourth, whether the civil suit instituted by Amar was barred by *res judicata* on account of the earlier proceedings between the parties.

## Submissions of the Parties

---

On behalf of CP, it was contended that no person may be compelled to submit to a DNA examination, and that no eminent need existed warranting such an intrusive measure. It was further urged that an adverse inference under Section 114(h) of the Indian Evidence Act could not be drawn at this stage of the proceedings, and that the civil suit was rendered untenable by the doctrine of *res judicata* in light of the prior findings.

On behalf of Amar, it was submitted that CP's uninterrupted denial of paternity left no viable alternative means of proof, rendering the DNA test indispensable in the interests of justice. It was argued that the presumption under Section 112 of the Indian Evidence Act had no application in the present circumstances, since no valid marriage subsisted between the parties. The right

to privacy asserted by CP, it was contended, was not absolute and must yield to Amar's fundamental interest in establishing his lineage. On res judicata, it was submitted that the prior proceedings were instituted by the second respondent under Section 125 of the Code of Criminal Procedure and were summary in character, incapable of constituting a conclusive adjudication binding upon Amar in the present civil suit.

## Judicial Precedents Relied Upon

---

The Court undertook a comprehensive survey of the governing precedents. In *Goutam Kundu v. State of West Bengal* (1993) 3 SCC 418, the Supreme Court laid down the foundational principle that DNA and blood tests may not be ordered as a matter of course; a strong prima facie case must be established, and no person can be compelled to provide a blood sample. The potential stigmatisation of a child born outside wedlock was expressly identified as a weighty consideration.

In *Dipanwita Roy v. Ronobroto Roy* (2015) 1 SCC 365, the Court held that while a DNA test may be permissible depending on the facts and circumstances of the case, it must be avoided wherever possible so as not to imperil the legitimacy of the child. *Aparna Ajinkya Firodia v. Ajinkya Arun Firodia* (2024) 7 SCC 773 further crystallised the position, holding that DNA testing is warranted only where it is indispensable to resolve the controversy, and that courts must remain mindful of attendant consequences including inheritance implications and social stigma. Most recently, *Ivan Rathinam v. Milan Joseph* (2025 SCC OnLine SC 175) introduced the structured "balance of interests" and "eminent need" framework, requiring courts to first assess available evidence and, only upon finding it insufficient, to weigh the competing interests of the parties before directing such a test. All these precedents were affirmed by the same bench in *Nikhath Parveen v. Rafique* (2026 SCC OnLine SC 652).

## Court's Analysis and Final Decision

---

The Supreme Court distilled the governing test to two essential inquiries: whether the result of the DNA test was directly in issue, and whether any other evidence on record could substitute for the answer furnished by that scientific process, taking into account the overall interests of justice and the parties concerned.

Applying this framework to the facts, the Court found that paternity was unambiguously and directly in issue in the civil suit, and that CP's sustained denial over more than two decades had foreclosed any alternative means of proof. Crucially, there was no suggestion of any intimate relationship between the second respondent and any other person, rendering the DNA test the sole viable mechanism to resolve the question conclusively. The plea of res judicata was rejected, the Court holding that prior findings had not emerged from a full-dress trial and therefore lacked the finality necessary to operate as a bar.

On the conflict between CP's right to privacy and Amar's right to a definitive determination of his parentage, the Court held that the balance clearly favoured Amar. Amar had, since childhood, been denied an authoritative answer to the question of his paternity, a matter with profound implications for both his personal identity and his legal entitlements as CP's potential heir. CP's privacy interest, though legitimate, was held not to outweigh these considerations. The appeal was accordingly dismissed, and the trial court was directed to fix a date for the DNA examination and to proceed in accordance with its outcome.

## Significance

---

This judgment reaffirms that the court's power to direct DNA testing in paternity disputes is exceptional and circumscribed, to be exercised only where evidentiary alternatives are exhausted and the balance of interests so warrants. It underscores the principle that the right to privacy, while constitutionally protected, is not absolute and may be curtailed where a competing right of equal or greater significance demands it. The decision also clarifies that summary proceedings under the Code of Criminal Procedure do not generate findings capable of founding a res judicata bar in subsequent civil litigation involving the same subject matter.

For further details write to [contact@indialaw.in](mailto:contact@indialaw.in)

## Related Practice Areas

---

Civil & Commercial Litigation