REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

NANDLAL WASUDEO BADWAIK V. LATA NANDLAL BADWAIK (2014)

BENCH: Mr. Justice C.K. Prasad & Mr. Justice Chandramauli Kumar Prasad **DECIDED:** January 6, 2014

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Scientific DNA test result conclusively proving non-paternity overrides the legal presumption of legitimacy under Section 112 of the Evidence Act.

1. Factual Matrix & Background:

A wife claimed maintenance for herself and her daughter under Section 125 CrPC. The husband denied paternity and sought a DNA test. The DNA test report conclusively excluded the husband as the biological father. The High Court held that under Section 112 Evidence Act, the statutory presumption of legitimacy prevails over scientific tests.

2. Substantive Legal Questions Framed:

Whether the statutory presumption of legitimacy of a child born during wedlock under Section 112 of the Evidence Act must yield to conclusive scientific DNA test evidence.

3. Analysis & Ratio Decidendi:

The Supreme Court set aside the High Court judgment and held that when there is a direct conflict between a legal fiction/presumption under Section 112 and scientific proof of DNA testing establishing non-paternity, the scientific truth must prevail. The legal fiction was devised before modern scientific advancements; law cannot compel a man to maintain a child who is scientifically proven not to be his.

4. Principles Enunciated:

- 1. Conclusive DNA test excluding paternity overrides Section 112 statutory presumption.
- 2. Legal fictions must give way to objective, infallible modern scientific truth.
- 3. Husband scientifically proven not to be the father cannot be burdened with maintenance.

5. Practical Litigation Implications:

- Husbands disputing paternity in Section 125 or HMA proceedings must file a DNA test application at the earliest threshold; once DNA excludes paternity, maintenance for the child ceases.

.....J.
[SUPREME COURT BENCH]

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