
(1989) 01 AHC CK 0040

In the Allahabad High Court

Case No : Habeas Corpus Petition No. 4064 of 1982

Bharti Raj

APPELLANT

Vs

Sumesh Sachdeo & Co.

RESPONDENT

Date of Decision : 17-01-1989

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1989) 01 AHC CK 0040

Hon'ble Judges : S.R.Bhargava, J

Final Decision : Dismissed

Judgement

S. R. Bhargava, J.

Order of the Supreme Court dated 5889 alongwith oilier papers was received in this Court by special messenger on 9189. From that dale this Court has been endeavoring for Cooperation from both sides. Learned Counsel for Opp. party took, repeated adjournments on one ground or the other. Today application has been moved that the learned Counsel could not get the copies and that his file has been lost. In the Supreme Court Order there is, a specific direction to this Court to take steps expeditiously. The order of the Supreme Court relates to bloodtest in the Institute of Medical Sciences, Delhi. Institute fixed 13th January, 19K9 for bloodtest. On that the bloodtest could not be done because in this Court a telegram purported to have been sent by the Institute was received to the effect that the date for bloodtest had been postponed and so this Court did not pass any order. Deputy Registrar (Judicial) was deputed to contact the authorities in the Institute and find out the next date. Now the intimation is that 27th January, 1989 has been fixed for bloodtest. Institute has also informed that panics were awaited on 15li9. On that date Sri Baldeo Raj appealed before the Institute but other party way absent. The Institute has also made it clear to this Court that the telegram canceling the test was not sent by the Institute. At any rate in this background appropriate steps have to be taken for bloodtest on 27139. Hence, this Court is not in a position to accommodate the learned

Counsel for the Opp. parties any further. Application is rejected.

In compliance with the order of the Supreme Court dated 5189, the Registrar is directed to call a government fingerprints and handwriting expert and get the fingerprints of the disputed child taken in the Court of Addl. District Judge, Allahabad in Misc. Case No. 206 of 1981. Baldeo Raj v. Sumesh Sachdev and others (now transferred to this Court under the order of the Supreme Court dated 13th July, 1988) with fingerprints, footprints and Photographs received from Consulate General of India, from to Canada, received by the Supreme Court and sent to this Court through special messenger. Registrar shall ensure that the expert submits his report without delay.

After perusal of various reports received with the order of the Supreme Court, this Court directs the Institute of Medical Sciences, Delhi, to carry out the following bloodtests upon the two sets of parents their existing Children and disputed child.

ABO, Rh, MNS, RELL, DUFFI and KID and HLA.

Sri N. B. Asthana, Special Officer, Vigilance of this High Court is appointed Special Officer in this case as directed by the Supreme Court. Petitioner Dr. (Smt.) Bharti Raj (Petitioner), her husband Baldeo Raj alongwith their existing children, Sri Sumesh Sachdeo (opp. party No. 1) Smt. Alka Sachdeo (opp. party No. 2) alongwith their existing children are ordered to appear before the aforesaid Special Officer on 23rd January, 1989 at 11 a.m.

Opposite parties No. 1 to 5 and their Paikar Sri Jagdish Sachdeo son of Sri Jagatri Lal Sachdeo are directed to appear before the aforesaid special Officer at the same time and on the date as directed above with disputed child for identification with the help of photographs received from Constable General of India, Toronto Canada through Supreme Court.

Both the groups of parties shall produce photographs in triplicate of each of the person or group photographs of the said persons involved in bloodtest alongwith affidavit about correctness of identity. Special Officer shall be at liberty to interrogate any of the persons produced or appear before him for satisfying himself about identity and correctness of photographs. Special Officer shall then arrest the photographs. He shall issue one set of attested copies of photographs to the parties concerned. He shall carry two copies of the photographs to the Institute. He shall submit one copy of the photographs to the Institute of Medical Sciences and after identifying all the persons involved in the bloodtest, he will bring one copy of the photographs shall submit with his report to this Court.

6. Special Officer shall accompany the disputed child named Neel Goomar described as son of Yashpal R. Goomar.
- 7 A letter shall be sent to the Institute of Medical Sciences Delhi that the blood test is according to the order of the Supreme Court and the case being a Court case no fee is payable.
8. All the persons involved in the blood test named above shall remain available to the Doctors of the Institute till such time as the Doctors may require.
9. If Smt. Bharti Raj and her family wish to accompany, the Special Officer to Delhi they shall be at liberty to do so and if the Special Officer receives such intimation he shall make necessary arrangement.
10. Copies of this order with full particulars of the parties of the case, to the Institute of Medical Sciences, Delhi and Secretary, Ministry of Home and Secretary Ministry of Foreign Affairs, Delhi.
- 11 Compliance should be reported to me by 19/1/1989.
12. Copies of this order may be issued to the parties on payment of usual charges by tomorrow.