

(1954) 12 MAD CK 0019

In the Madras High Court

Case No : Civil Revision Petition No. 979 of 1953

RM. PM. Ranganathan Chettiar

APPELLANT

Vs

Chinna Lakshmi Achi

RESPONDENT

Date of Decision : 16-12-1954

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 151

Citation : AIR 1955 Mad 546 : (1956) ILR (Mad) 66 : (1955) 68 LW 156

Hon'ble Judges : Rajagopala Aiyangar, J

Bench : Single Bench

Advocate : T.S. Vaidyanatha Iyer, for the Appellant; A.V. Narayanaswami Iyer and R. Venkatachalam, for the Respondent

Final Decision : Dismissed

Judgement

Rajagopala Aiyangar, J.—The question which arises here is whether a Court has power to compel a party to be examined by a doctor against her consent. Learned counsel for the petitioner admitted that there was no statutory provision on the matter. Apart from cases of lunacy - which stand on a special or peculiar footing, there is no decision placed before me in support of the position. Counsel invokes Section 151, Civil P. C., as enabling the Court to allow such an order. I do not at all agree that Section 151, Civil P. C. has any application to a case of this sort. To pass such an order is in my opinion tantamount to treating a human being as a material object, which no Court should do under its inherent power. The Court might draw any adverse inference against a party who refuses to examine himself or herself. But I am unable to conceive of this Court having power to compel a medical test on a human being without his or her consent - apart from any statute which clothes the Court with such power. The petition fails and is dismissed. There will be no costs in this petition.