

**Evidence act S. 112 - DNA test - Presumption is rebuttable - Presumption of being legitimate child attached with the birth of the child born during the continuance of a valid marriage can be rebutted by producing cogent evidence - The period during which the respondent alleged that he had been subjected to physical and mental cruelty by the appellant with the active help of her father spreads from 2004 to November, 2008 - When the relations between the parties were strained, it cannot be said to be improbable that although they were living under the same roof, but they were not having sexual intimacy - The deposition of the respondent-husband that he had no access to the wife when the child was conceived was affirmed by the DNA test report - The said evidence produced by him was sufficient proof of the plea raised by him**

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