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SUPREME COURT

Supreme Court Upholds Presumption of Legitimacy

Husband Deemed Legal Father Despite Claims of Adultery

Sheikh Rayees • January 29, 2025

PUBLISHED REPORT

The Supreme Court has reaffirmed the principle that in a subsisting marriage, a husband is presumed to be the legal father of his wife's child, even if the wife alleges the child was conceived through an adulterous relationship. This landmark ruling hinges on Section 112 of the Indian Evidence Act, which establishes a strong presumption of legitimacy unless disproven by evidence of non-access between the spouses. Strong Presumption of Legitimacy...

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