

Supreme Court: DNA Comparison With Collateral Relatives Is Not Conclusive Proof of Parentage

The Supreme Court held that an indirect DNA comparison with collateral relatives cannot by itself conclusively determine parentage and must be assessed with the complete oral, documentary and official record.

Supreme Court evidence and civil-law analysis
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Case: C.P.L.A. No. 1157 of 2021

Court and date: Supreme Court of Pakistan | 16 September 2026

Bench: Justice Muhammad Ali Mazhar, Justice Irfan Saadat Khan and Justice Shahid Bilal Hassan

Result: Leave refused; petition dismissed; High Court judgment maintained

The ruling in one sentence

The Supreme Court of Pakistan held that a DNA comparison made through collateral relatives, without a direct genetic sample from the alleged parent, is an indirect statistical assessment of kinship and cannot by itself conclusively determine parentage or displace reliable official, documentary and oral evidence.

The reported judgment is Barkat Khan and others v Banaras Khan and others, C.P.L.A. No. 1157 of 2021. Justice Shahid Bilal Hassan authored the judgment for a three-member bench comprising Justice Muhammad Ali Mazhar, Justice Irfan Saadat Khan and Justice Shahid Bilal Hassan. The petition was decided on 16 September 2026.

The inheritance dispute

The respondents instituted a suit for declaration and mandatory injunction, claiming to be the legal heirs of Muhammad Ayub Khan son of Aarsalah Khan. The petitioners disputed that relationship and alleged that the claimants were descendants of another person who had represented himself as Muhammad Ayub Khan.

The trial court dismissed the suit. The first appellate court reversed that decision and accepted the respondents' claim. The Peshawar High Court, Abbottabad Bench, dismissed the petitioners' civil revision. The petitioners then sought leave to appeal before the Supreme Court.

Their principal argument was that a DNA test did not support the asserted parentage and that the High Court had not properly resolved the conflict between the trial and appellate findings.

Why the DNA result was not conclusive

The Supreme Court distinguished a direct parent-child comparison from an indirect kinship analysis. A direct parentage test compares the child's genetic profile with that of the alleged parent. Where the alleged parent is unavailable and the comparison is made with a cousin, sibling or another collateral relative, the exercise answers a different and less direct scientific question.

The evidentiary value of such a test depends on the relationship of the persons tested, the genetic markers used, the competing hypotheses and the likelihood ratio produced. The label "DNA test" does not convert every collateral comparison into a definitive parentage determination.

The Court referred to scientific literature explaining that parents and full siblings are generally more

informative reference relatives than distant collateral relatives when autosomal markers are used. It also relied on *Mst. Laila Qayyum v Abdul Qayum* (PLD 2019 SC 449), where testing the siblings of a deceased alleged father could not, in the circumstances of that case, conclusively confirm or negate paternity.

DNA evidence must be read with the whole record

The Court did not treat the inconclusive collateral comparison as irrelevant. It held that the result had to be placed in its correct evidentiary context and assessed with the remaining material.

The respondents had produced NADRA and Union Council records, documentary material, photographs of graves and oral evidence concerning Muhammad Ayub Khan's identity, marriages and family relationships. The High Court found that these records consistently identified Arsalah Khan as his father.

The petitioners had also failed to cross-examine material witnesses on important parts of that evidence and had not objected when relevant documents were exhibited. Those omissions were legally relevant when the courts assessed the weight of the respondents' case.

The Supreme Court therefore rejected the argument that the respondents' claim rested on an unsupported assertion. The indirect DNA result did not automatically neutralize otherwise admissible and probative evidence.

High Court's role where lower courts disagree

The judgment also clarifies the scope of revisional scrutiny when the trial court and first appellate court reach divergent findings.

The general restraint against reappraising evidence in revision principally applies where the courts below have recorded concurrent findings on a proper appreciation of the record. Here, the trial court dismissed the suit while the appellate court reversed it.

In that situation, the High Court was required to compare the competing conclusions, examine their evidentiary foundations and determine which view was supported by the record and cogent reasons. The Supreme Court relied on *Madan Gopal* (PLD 1969 SC 617), *Abbas Ali Shah* (2004 SCMR 1342) and *Karim Bakhsh* (2005 SCMR 1518).

The High Court had performed that comparative exercise. It examined the official record, oral testimony, family history, unchallenged evidence and the true legal significance of the DNA comparison. The Supreme Court found no misreading, non-reading, perversity or material legal error.

The final order

The Supreme Court dismissed the petition and refused leave to appeal. The High Court judgment, and consequently the first appellate decree recognizing the respondents' claim, remained intact.

The case was not decided by declaring DNA science unreliable. It was decided by identifying the limits of the particular comparison and then evaluating the entire evidentiary record.

What the judgment does not hold

The judgment does not hold that DNA evidence is inadmissible or unimportant in parentage litigation. A properly designed direct comparison may carry substantially different evidentiary force.

It does not hold that every collateral-relative test is useless. Such a test may provide relevant statistical evidence, but its weight depends on the tested relationship, methodology and complete case record.

It does not permit courts to disregard a reliable scientific result merely because oral evidence exists. The Court required contextual evaluation; it did not create an automatic preference for one category of evidence.

It also does not authorize unrestricted reappraisal in every civil revision. The High Court's closer comparison was justified because the trial and appellate courts had recorded divergent findings.

Practical guidance for parentage and inheritance cases

Counsel relying on genetic evidence should identify exactly who was tested, what biological relationship was being examined, whether the alleged parent was available, which markers and hypotheses were used, and what the reported probability or likelihood ratio actually establishes.

Parties should not neglect NADRA, Union Council, birth, death, marriage and other official records merely because a DNA report exists. Witnesses supporting family identity and pedigree must be examined carefully, and material testimony should be challenged in cross-examination when disputed.

Where the lower courts disagree, a revisional challenge should identify the precise misreading, non-reading, perversity or legal infirmity instead of merely proposing another possible view of the evidence.

This commentary is independent legal analysis for research and general information. The complete judgment, pleadings, scientific report, laboratory methodology, family record and later judicial treatment should be checked before reliance in proceedings.