

In the Court of Principal District Judge, Kanyakumari District
at Nagercoil.

Present : Thiru B. Karthikeyan, B.L.,
Principal District Judge.

Tuesday, the 24th day of February, 2026.

I.A. No. 4/2025 in O.S. No.199/2024

S. Sivakannan

... Petitioner

-Vs-

1. S. Ramesh
2. The District Collector, Kanyakumari District.
3. The Tahsildar, Agasteeswaram Taluk.
4. The Manager,
Life Insurance Corporation of India,
Divisional Office, Palayamkottai.

... Respondents/Plaintiff
and Defendants 1, 2 & 4

This petition coming on this day for final hearing before me in
the presence of,

Thiru S. Easwara Pillai - Advocate for the petitioner

Thiru B. Harikesavan - Advocate for the 1st respondent

Thiru C. Johnson - Government Pleader for the
respondents 2 and 3

Thiru P. Asokan - Advocate for the 4th respondent

and upon hearing both side and upon perusing the materials available on record, this court delivered the following:-

ORDER

This petition has been filed by the petitioner/third party seeking to implead himself as additional 5th defendant in the suit as the legal heir of deceased 3rd defendant.

2. The suit has been filed for declaration that the legal heirship certificate dated 30.08.2016 issued by the 2nd defendant to the 3rd defendant as null and void, besides for a decree of permanent injunction restraining the 4th defendant from disbursing any claim amount pertaining to the LIC policy bearing No.324134379 to the 3rd defendant. It is the claim of the plaintiff that the 3rd defendant Anithakumari has falsely claimed to be the wife of the plaintiff's brother late Suresh and had applied and obtained legal heirship certificate by creating forged documents. In the said suit, the 3rd defendant has been reported as dead on 09.12.2024.

3. The present petition has been filed stating that the present petitioner is the son of the said Anithakumari and Suresh, born on 06.09.2007 and he has attained majority only now. He would claim that the

right to be sued survives on him and therefore, he has to be impleaded as additional 5th defendant in the said case.

4. The 1st respondent filed a counter statement, contending that late Suresh did not marry anybody and there is no possibility of any child born to him due to his impotency. This respondent's family and late Suresh are no way connected with this petitioner or his mother. The present petition has been filed only with a view to extract money from the 1st respondent. The petitioner is an unnecessary party to the proceedings and is unknown person to this respondent and he is in no way connected with the suit.

5. The respondents 2 to 4 did not file counter.

6. Heard both. Perused the materials on record.

7. **Point for consideration is:**

(i) Whether the present petition deserves to be allowed?

8. **Point No.(i):**

As already pointed out, the suit has been filed praying for a declaration that the legal heirship certificate dated 30.08.2016 issued by the

2nd defendant to the 3rd defendant namely Anithakumari is null and void. The present petitioner claims to be the son of Anithakumari and Suresh. Whether Anithakumari is the wife of late Suresh is the question to be decided in the present suit. Only then, whether the present petitioner can claim to be the legal heir of late Suresh can be looked into. The 1st respondent's dispute to the claim that the petitioner is not born to Anithakumari and Suresh can be decided in the suit. Normally, the right to sue and to be sued of the 3rd defendant survives on her legal representative. The petitioner claims to be her son. As such, the present petition deserves to be allowed, even though, whether the petitioner is the son of Anithakumari and late Suresh and consequently, whether he is the legal heir of late Suresh are questions to be decided in the suit.

9. In the result, this petition is allowed.

Dictated to the Steno-typist, transcribed and typed by her, corrected and pronounced by me in open court, this the 24th day of February, 2026.

Principal District Judge,
Kanniyakumari at Nagercoil.

Principal District Court,
Nagercoil.
Fair Order in
I.A.No.4/2025 in OS 179/2024
Dt.: 24.02.2026