

**IN THE COURT OF THE DISTRICT MUNSIF,
ERANIEL.**

**Present: Thiru. S. Jothi Kailash, B.A., B.L.,
District Munsif, Eraniel.**

Monday, the 21st day of July 2025.

I.A.No2/2025

in

O.S.No.37/2023

T.C. Mary Josephin Rayan
D/o. Dr. S. S. Rayan

. . . Petitioner

And

1. Nobel Terin Rayan
S/o. Dr. S. S. Rayan

2. The Tahsildar,
Kalkulam Taluk

3. Sub Collector,
Padmanabhapuram @ Thuckalay

4. The District Collector
Kanyakumari @ Nagercoil

. . . Respondents

This petition has come up before this Court for final hearing on 09.07.2025, in the presence of Thiru.A.K.Udaya Kumar, learned counsel for the petitioner and Thiru.Rajulin, learned counsel for the 2nd respondent, 1st respondent died, 3rd and 5th Respondents were set exparte, on hearing both sides arguments and upon perusing the case records, this Court delivered the following.

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ORDER

1. This petition filed under Order VI rule 17 and Section 151 of CPC, to amend the plaint.

2. The petitioner has stated that he had filed above the suit for declaration that, she is the biological daughter of the deceased Dr.S.S. Rayan and other reliefs and that her mother that is 1st defendant was passed away on 22.06.2024 leaving behind the petitioner and the 2nd defendant i.e., Nobel Terin Rayan and hence there is no necessary to implead the legal heir of the deceased person and a memo was already filed, hence, the petitioner has filed the petition to amend the plaint as per the proposed amendments sought for in this petition.

3. The 1st Respondent in his counter stated that petitioner is not a biological daughter of the deceased Dr.S. S. Rayan and the deceased Dr.S. S. Rayan was only the defacto guardian of the plaintiff and was managing the appears of the plaintiff in the same way as dejure guardian will do as she was interested in the affairs of the plaintiff through a stranger and took charge of the management of her. The respondent further contended that the deceased 1st defendant is not a mother of the plaintiff, 1st respondent alone is the legal heir of the 1st defendant. Since, 1st respondent is in party array no other legal heir is to be impleaded for the deceased 1st defendant.

4. The point for consideration in the above petition is whether the petition is to be allowed or not?

5. The petitioner has filed the petition to amend the plaint with regard to the death of the 1st defendant. The petitioner claims to be the biological daughter of the deceased 1st defendant, while the same was denied by the 1st respondent. The issue that whether the petitioner is biological daughter or not can be decided by the trial of the suit. As far as this petition is concerned the only question to be answered is whether the proposed amendment is necessary or not? As a party to the suit i.e., 1st defendant have been died have been died and the 1st respondent as legal heir and the petitioner with disputed legal heirship are already party on array in this suit and the fact that there is no other legal heir for the deceased 1st defendant was admitted by the respondent. Hence, considering the facts and circumstances of the case, proposed amendment would not change the nature of the suit and would not cause any prejudice to the respondent, hence this court is inclined to allow this petition.

6. In the result the petition is allowed. No order as to cost.

Dictated to the Typist, transcribed and typed by her in Computer, corrected and pronounced by me in Open Court this, the 21st day of July, 2025.

Sd/-
District Munsif ,
Eraniel.

Petitioner side witnesses & documents:- Nil

Respondents side witnesses documents :- Nil

Sd/-
District Munsif,
Eraniel.

D.M.Court, Eraniel.
I.A.No.2/2025
in
O.S.No.37/2023
Draft/Fair Order
Dated: 21.07.2025

