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Determining intestate inheritance right of a child when biological and presumptive paternity overlaps: Challenges and prospects

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Legality of the marriage between the parents directly affects intestate inheritance rights of a child in Sri Lanka. Sri Lankan legal system recognizes the presumption of paternity when a child is born to a married mother. In such a case, husband of the mother is considered as the father of the child. Children are in a safer position, because of the presumption, while preserving child's interests especially in the area of intestate claims. Nevertheless, presumptive paternity has become a challengeable concept today, due to genetic testing's and advancements in scientific knowledge.

The main objective of this paper is to examine whether the factor of biology is adequate enough to invalidate the presumptive paternity in Sri Lanka with regard to intestate inheritance rights of a child in Sri Lanka.

The study mainly follows the qualitative research approach to achieve the above research objective. As such this study reviews and analyses the literature, international conventions, academic expressions and books related to paternity and intestate inheritance right of a child with the aim of identifying a better way of facing challenges. Accordingly, this paper raises the necessity of a statute, prescribing the manner, which can challenge marital presumption by a party, while upholding best interest standards and preserving inheritance rights of a child in Sri Lanka.

Key words: *Intestate inheritance, child, best interest, presumptive, biological paternity*

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