M.R.O. 1—50,000—14-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 199 Press
Mis.

114-115

Dated 8-2- 19 84

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Not to be folded or roughly handled

No. 114. Read the following letter from the Civil Judge of Calicut, to the Chief Secretary to Government, Fort Saint George; dated Calicut, 24th January 1866, No. 16.

I have the honor to report that one Mr. John Kien, an East Indian, having died in Calicut, in March 1864, and his widow having relinquished all her rights and interests in his Estate, I have taken charge of the landed portion thereof, consisting of a small stone built thatched house and the compound on which it stands, under Clause 5, Section 16, Regulation III of 1802.

2. The usual advertisements in such cases were issued, and I have thereupon received two claims against the property. One is an ordinary debt to a Shop-keeper, while the other is a debt on the mortgage of the real property. Both I consider to be proved, but I cannot perhaps do better than to lay before the Right Honorable the Governor in Council the orders* I have passed on the two petitions.

Rs.	A.	P.	
183	15	7	
500	0	0	with interest.

* Miscellaneous Petitions, Nos. 760 and 1550 of 1865.

3. On taking charge of the Estate, I found that the house and ground, on which stand a few cocoanut trees, had been in the occupancy of a tenant, on a monthly rent of Rupees 6. As the house required to be annually repaired, I considered it expedient to allow the tenant to do all such repairs himself, and to submit an account to the Court of the balance of rent, after defraying the expenses of the needful repairs.

4. I, therefore, hold at present, in deposit, the sum of Rupees 40, on account of the rent, as per accounts last rendered on the 2nd November 1865. It will thus appear that the rent which has since accrued has to be accounted for, and will be duly recovered by this Court.

5. The Principal Sudder Ameen of Calicut has taken under his charge the moveable property belonging to the deceased. It is likely he may also have registered claims for disposal against such moveable property. I beg, therefore, to recommend that the whole affair may be wound up in one and the same Court; and, for this end, I beg that I may be permitted to sell the real property in charge of this Court by public auction,—and the proceeds of such sale, together with the amount of rent on hand, and the amount of rent which I shall recover in due course, may, with the two claims which have been proved before me, all be transferred to the Principal Sudder Ameen, for disposal in such manner as His Excellency in Council may deem fit to order.

PROCEEDINGS of the Civil Court of Calicut, dated 22nd January 1866.

Order passed on Miscellaneous Petition, No. 760 of 1865.

The petitioners lay claim to a sum of Rupees 500, with interest at 12 per cent. per annum, against the Estate of the late Mr. John Kien, and which amount they allege that they jointly advanced to the deceased and his wife (the widow), who relinquished her right to the deceased's Estate. In support of petitioners' claim they have produced two documents:—A purports to be the mortgage deed under which the petitioners advanced the money, and B is a deed executed to the widow by her father, assigning to her, as a portion of her Dowry, the ground upon which the house was subsequently built by the deceased. The petitioners have further examined three

Ameen of Calicut's Order dated 13/2

witnesses, all of whom were attesting witnesses to the mortgage deed, and all swear to the truth of the transaction. Petitioners further swear that they have not received anything on account of interest. The claim being thus clearly proved, the Court will make a reference to Government on the subject.

Order passed on Miscellaneous Petition, No. 1550 *of* 1865.

The petitioner, on solemn affirmation, deposes to Rupees 188-15-7, being balance of the amount due to him by the deceased, and has produced two Bills in support of his claim. He has further examined two witnesses, one of whom is the deceased's father-in-law, and their evidence leaves no doubt of the truth of the petitioner's claim. The Court, therefore, will make a reference to Government on this claim.

(True Copies).

(Signed) H. D. COOK,
Civil Judge.

No. 115. ORDER THEREON, 8th February 1866, No. 199.

The Governor in Council authorizes the sale by public auction of the real property referred to in the foregoing letter, and directs that the proceeds of the sale, together with the cash in deposit, and the amount expected to be recovered by the Civil Court on account of the Estate in question, be transferred to the Principal Sudder Ameen of Calicut. The two claims preferred against this property will also be referred to that Officer, in view to his inquiring into their validity, as well as into the validity of any claims that may be registered against the moveable property, and reporting the result for the orders of Government.

(True Extract).

Chief Secretary.

To the Civil Judge of Calicut.
" Principal Sudder Ameen of Calicut.

Rd. J. H. Burn

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the Civil Judge of Calicut.

(Here enter 24th January 1866 - No. 16)

Order thereon 8th February 1866 No. 199.

The Governor in Council authorizes the sale by public auction of the real property referred to in the foregoing letter, and directs that the proceeds of the sale together with the cash in deposit, and the amount expected to be recovered by the Civil Court on account of the Estate in question, be transferred to the Principal Sudr Ameen of Calicut. The two claims preferred against this property will also be referred to that Officer in view to his inquiring into their validity as well as the validity of any claims that may be registered against the moveable property, & reporting the result for the orders of Government.

The Civil Judge of Calicut & Principal Sr Ameen of Calicut & desptd 13/2

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Jud^{l}. 1866. *Department.*

No. 199.

PROCEEDINGS OF GOVERNMENT.

Feb. 1699.

Dated 8 February 1866.

114-115.