

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1156

Dated 29th May 1895

INDEXED.

[Despatch Abstract.]

PETITION.

Endorsing paragraph IV of the Petition rules (C) on-----
from A. Nateswara Pandara Sanadhi at Tiruvalur, Tanjore District, pray-
ing that he may be exempted under section 641 of the Civil Procedure
Code from attendance as a witness before the Courts of Law.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
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FURTHER PAPERS.

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CURRENT NO. 2536

To

H. E. THE RIGHT HON'BLE

BEILBY LAWLEY, BARON WENLOCK, G.C.I.E.,

Governor in Council,

FORT ST. GEORGE, MADRAS.



The Humble Memorial of AGAPA NATESWARA PANDARA SANADHI, residing at Tirucalur, in the Negapatam Taluq, Tanjore District, and also holding the dignity of Adinakarta of Veylacoorchy Muthathipati, in the Tinnevelly District.

MOST RESPECTFULLY SHOWETH,

I. That your Memorialist, by virtue of his rank and position of Pandara Sanadhi aforesaid, is a personage of considerable ecclesiastical and social importance in Southern India, but more especially in the Tanjore District, in which he exercises the function of a Guru over more or less five thousand followers.

II. That the Pandara Sanadhiship is a hereditary office, which Memorialist's ancestors for generations past have held before him, and which, by virtue of its being now vested in him, gives him spiritual and temporal dominion over the following important Devastanam in the Tanjore District, viz. :—

- (1) Tiruvaroor Devastanam Abishaka Katlai,
- (2) Do. do. Anadana Katlai,
- (3) Tirupoohaloor Devastanam,
- (4) Tiruchankatancoody Devastanam,
- (5) Tirumacheoor Devastanam,

as well as the Kalladacoorchy Muttam and lands pertaining to it in the Ambaamoodrum Taluq of the Tinnevelly District.

III. That of these, the Tiruvaroor Devastanam, consisting of (1) the *Abishaka Katlai* and (2) the *Anadana Katlai*, is endowed with 500 velies of Nunjah and Poonjah lands distributed over 20 villages in the Negapatam and Tirutara-poondy Taluqs.

The *Tirupoohaloor Devastanam* with 200 velies extending over 19 villages in the Nanilam Taluq.

The *Tiruchankatancoody Devastanam* with 150 velies extending over five villages in Nanilam Taluq, and

The *Tirumacheoor Devastanam* with 30 velies in one and the same village; while, so far as the Tinnevelly District goes, the Kalladacoorchy Muttam

owns 30 velies, thus making a grand total of 910 velies, yielding a net income of Rs. 60,000.

IV. That the lands aforesaid are, for the most part, leased out to somewhere about 2,000 lessees, against a fair proportion of whom Memorialist eventually has often to enforce his remedies in the Civil Courts of the District having jurisdiction over the Devastanam lands, and the subject matter of dispute.

V. That it is in connection with the litigation so forced upon Memorialist that he respectfully approaches Your Excellency, in view to obtaining exemption from personal attendance as a witness in such courts.

VI. That as Your Excellency will doubtless realize Memorialist's high position, as well as the many urgent and pressing demands upon his time in connection with the discharge of his varied and numerous spiritual and temporal duties as Pandara Sanadhi, are too often taken advantage of by unscrupulous lessees to harass Memorialist by vexatious applications to examine him as a witness in suits, for the most part, of trifling pecuniary value based on, or connected with, such leases, the Courts being naturally reluctant to reject such applications, although they know them to be vexatious, inasmuch as, *prima facie*, a party to a suit has an inherent right to examine his adversary as and when he chooses.

VII. That Memorialist has never yet attended and given evidence in any Court of law, preferring rather, when subpoenaed, to compromise the particular suit, on terms more or less unfavourable to the interests of the Devastanams than lose the time, and incur all the inconveniences of, more or less lengthy and tedious journeys to and from such Courts.

VIII. That on an average 100 to 150 suits have to be filed in the course of a year in connection with Devastanam lands in the Negapatam Sub-court, and the Munsiffs' Courts of Negapatam, Tirupatarapoondy, and Tiruvaroor, in addition to 50 or 60 summary suits under the Rent Recovery Act, so that opportunities for such vexatious applications are numerous.

IX. That, in order to show this is no mere matter of sentiment, Memorialist would specify his ordinary and daily routine duties. In the first place he has to begin the day by the usual ablutions and poojah, followed by meditation and prayers, extending altogether from about 6 A.M. to 10 A.M. Allowing a short interval for meals, Memorialist has next to attend to the temporal affairs of the Devastanams which take up a more or less indefinite period of time during each day, involving as they do such extensive interests, and the supervision of some five hundred temple servants, whose work and doings have to be constantly kept under close and unremitting observation.

That Memorialist trusts he has made it plain that, though his office is one of dignity and importance, it has also its corresponding duties and disadvantages.

That Memorialist would also venture to hope he has made it plain that his request is but a reasonable one, not only when judged by the light of the facts above set out, but also in consideration of the circumstance that others holding

corresponding positions, such as (1) Mahamud Manavar Khan Bahadoor, Prince of Arcot, (2) Rai Bahadoor Thirugna Sammandha Pandara Sannadhi Avl. Madura Siava Guru, (3) Sri Vidhiya Narasimma Bharathasami Avl. Pushpaghiri Madam, Kadappa Taluq, Kadappa District, have obtained the exemption which Memorialist respectfully craves at the hands of Government.

Memorialist therefore most respectfully prays that this his memorial may be complied with, and that early orders may issue under Section 641, Civil Procedure Code, directing his exemption from attendance as a witness before the Courts of law.

And Memorialist will, as in duty bound, ever pray.

Polacannu
May 20th
1895.

M. S. G. G. G. G.
Memorialist
Counsel for Memorialist.

Judicial Dept.
CURRENT NO. 2536

So on ct- No 378/95-333
14-2-95

To, Agapa Nateswara Pandara
Sanadhi, residing at
Tiruvallur, Tanjore Dt.,
thru: his counsel
Mr W. S. Gant
Barrister-at-law

Dated 20th
Recd 20th } May 1895
Regd 21st
En: 1 cc. of the ct.

Subject

Praying that he may be
exempted under Sec: 641, civil
Procedure code, from attendance
as a witness before the courts
of law.

Recd 5
Pleas put up petn rule
C. 29/5/95

No. 350: 16 Feb 95 mis on 1056

No. 333: 14.2.95 Mis.

CS

under d/ 29th May 1895 No 1156
Mis

Para IV of the rules (C)

25.5.95

28/5/95

24/5/95
To M. S. Gant, Esq. Barrister-at-law
M.S.

When given for copying _____
When copied _____
When examined _____
When signed _____

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READ AGAIN G.O., No.
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DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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IN ORIGINAL.

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