

ORDINARY, MS.

<i>Journal</i> DEPARTMENT.
G.O., DATED 1-6-95
No. 1157

INDEXED.

When given for copying.

[Despatch Abstract.]

Informing the Police of Vizagapatam that he must, unless restrained by an injunction of the High Court, and effect to be dated 27 May 1895 No 1138 regarding the return to India of Raja Rao of Secunderabad: mounted in the East India Company at Vizagapatam in connection with the fall of the late Mrs. A. V. Anasuya Rao.

BACK PAPER, No. 940: 7.5 95
1138: 27.5 95

FURTHER PAPER, No. 2732/95
2731/95
#2880/95

READ AGAIN ORDER OF GOVERNMENT, DATED
189, No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT A A

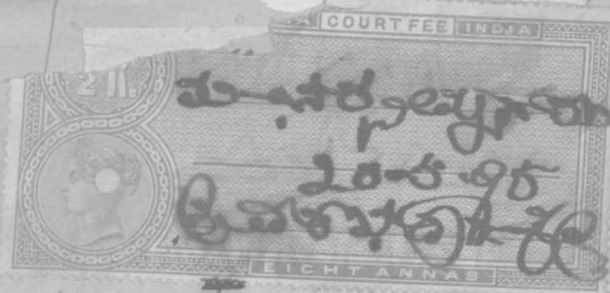
LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—

- A — Copy in full.
- B — Not to be copied.
- P — Copy abstract only.
- Q — Copy heading only.



Vizagapatam
Dabagardenis
Dated 21st May 1895

To.

The Collector
Vizagapatam District

Letter mentioning
do not issue this
notes further
if they have not
already been
issued.
21.5.95

The humble representation of Sri
Ankitham Bungoramah game daughter
of Sri A. V. Nursing Row Esq. and
Proprietrix of Madilapallam Estate
Vizagapatam District.

Sir,

I beg to represent that my father
had on 21st October 1883 executed
a Registered will bequeathing all
his properties to myself and my
Sisters.

2 That my brother A. V. Ganga Row
after the death of my father, pre-
sented M. P. No. 10 of 1893 in the Dist.
Court of Vizagapatam for a suc-
cession certificate to collect the
interest due on Government
Promissory Notes standing in the

name of my father, on the ground
my father had before his death
executed another Will (8th May 1892),
superceding the former one, and on our
disputing its genuineness and validity,
the District Court refused to grant the
certificate unless sufficient security
was furnished by the so called executors
of the alleged Will.

3 When my brother and other executors
applied before Mr Rowson the then judge
to have the former order reviewed ^{and} a
certificate issued free from any
security, his honor Mr Rowson also
confirmed the previous order and rejected
the application.

4 While the matters stood thus, my
brother and other executor being unable
to tender sufficient security and
being baffled in various other attempts
to get the certificate, as I am suddenly
now informed of, that, they applied
before the High Court for a Probate
and that it has been granted lately by
the High Court.

5 How and under what circumstances
it has been granted I am utterly

unable to understand.
application, if any, was ever given to us
nor are we made known in any way
of that application to enable us to contest
it. The petitioner believes that if the
Probate has ~~recently~~ been procured, it must
have done ~~so~~ by fraudulent means,
with direct suppression and concealment
of material facts before the High Court.
6 I hear that my brother and his co-executor
P. J. Linnivasa Syengar are going to apply
before you for the return of the Court
Promissory Notes amounting to Rs 23000/-
under the strength of the aforesaid
Probate.

7 I beg to add that my brother A. V
gajga Row is a declared insolvent and is
indebted to the extent of about one lakh
of Rupees. Should these Securities and
their accumulated interest pass into
his hands I am afraid the whole
amount of interest will go to his credit
and the Court Securities themselves will
be pledged to them and leaving nothing
to answer our just demands, ^{under the circumstances} and the res-
-ponsibility of accounting for them

name of my father, or the
my father
8 I am going to move the High Court and
take such steps as will be found necessary
to have the said Probate cancelled and to ask
such relief as may be found necessary under
the circumstances.

9 Mr Willock was of opinion that the said
Promissory notes would never be given to these
two executors and Mr Wolfermurray also
shared it.

10 As your honor as collector in the place
of Mr Willock and Mr Wolfermurray, is now,
in custody of the said Promissory notes
by securing them in your Treasury, I request
that you will kindly see that these securities
may not be handed over to either of both
of the executors, and to defer passing orders
on their application at least until the
orders of the High Court are obtained which
will be in about a fortnight or make a
reference to Government and obtain their
orders on the subject. Trusting that
this will meet with your favourable
consideration.

For which of kindness,
I shall as in duty bound, ever pray.

* Sri Anantham Pranganam
Proprietor of Madras State

Name of my father

Enclosure 1
In letter

DEPARTMENT.

FROM

THE COLLECTOR OF VIZAGAPATAM.

TO

The Chief Secretary to Govern-
ment judicial department.

Dated 24th }
Received } May 1895.

1895
To D. D.
Enclos. No. 1
To
C. No. 2625

Re. C. No. 2036
Dis.

ENCLOSURES.

Subject.

Petition of Sri Dammam Baugaram
magam of 21st May 1895.

All right
225

To

Petn. Reg. 14
COLLECTOR'S

R. Morris Esq.
Ag. Collector
Vizagapatam

Let me see
the petition & connect
papers

Sir,

According to a will said to have
executed by my late lamented husband
I understand my son Mr. Jaggappa Row
lately obtained a Probate in the High
Court for its execution and applied
you for giving over to him the Government
Promissory Notes and others deposited in
your Treasury although my daughters are
questioning the genuineness of the will and
are taking the necessary legal steps to get
the will and Probate cancelled. The will it
appears provides for the establishment of a
college here in my name makes over for
that purpose Rs. 15000/- entirely to the care of
Government and appoints the Collector of
the District as a special executor for the
same purpose. If in these circumstances
the Promissory Notes and the interest accu-
mulated thereon are now given to me
on

Enclosure,
In letter
FROM

Dated
Recei

I have the honor to be
Sir

Your most obedient servant
 Sri ~~Chittaran~~ Reddy, Zamindar
 Zamindari of Schemohomedpur and Emboram
 Estates.

name of my ...
MENT.
Chief Secretary to Govern-
ment Judicial Dep

ed 24 } May 1895.
eived }

1895
Tues. Dep.
Enclos. No. 2
To
No. 2525

Re. C. No. 2036
Div.

ENCLOSURES.

Subject.

from Mrs. Narsingarao
dtd 22nd May 1895.

R. C. No. 2036
Deposit

CURRENT NO. 2625
VIZAGAPATAM COLLECTOR'S OFFICE.

Dated 24th May 1895

From R. Morris Esq.
F. D'A. O. WOLFE-MURRAY Esq.

Ag. Collector,
Vizagapatam District.

To The Honorable J. F. Price,
CHIEF SECRETARY TO GOVERNMENT,
Judicial DEPARTMENT,
MADRAS,
With the Governor,
Stone house hill.

SIR,

With reference to G. O. no 940
dated 7th instant I have the honor to
state that the late Mr. Narsingarao in
his will bequeathed Rs 1,15,000 to the
Care of Government for the Establishment
of a College and appointed among
others the Collector of Vizagapatam as
one of the Executors specially for the
Establishment of the College. In G. O.
no 643 Public, dated 12th September 1892
Government was pleased to accept
the trust and to instruct the Director
of Public Instruction to manage it
on behalf of Government and the

Collector to see that the intentions of the testator are carried out. From the circumstances stated in para 4 of Mr Willock's letter printed in the L.O above quoted, in para 1 of his letter Re No 700 dated 7.3.94 and 1094 in para 1 of Mr Wolfenmurray's letter Re No 1137 dated 30.3.95, it will be seen that it is not safe to entrust the two Executors who have now obtained the Probate, with these Promissory notes and the large amount of interest due thereon.

Mrs Sarsingahas also objects to this course in her letter to me dated 22nd May 1895 (enclosed). I think the best course will be to nominally give the Promissory notes to the Executors and make them immediately endorse them in favour of Government and then lodge them in my Treasury, leaving

leaving the interest due to be drawn by the Director of Public Instruction after the settlement of the scheme for the Establishment of a College. I therefore beg to submit the matter for the reconsideration of Government and the issue of final Orders for my guidance.

2. In the will Mr Sarsingahas also bequeathed Rs 67,500 to his two daughters and Rs 20,000 to his son Mr A. V. Jagga Rao.

3. The daughters question the genuineness of the will and strongly objected to the grant of a Succession certificate by the District Court. They intend taking ultimate steps to have it set aside in favour of a will of 1883 executed in their favour. One of them Bhangaramma complains to me that no notice of the Executors' application

application for a probate was ever given to her nor was it made known to her in any other way to enable her to contest it. Section 69 of Act V of 1801 requires that in all cases of Applications for probate a citation shall be issued and that it shall be fixed in some conspicuous part of the Court house and in the Office of the Collector of the District. I do not know what publicity was given in the present case but it is a fact that no citation was ever sent to me for being fixed in my Office. Bangaramma states that she is taking steps to get the probate immediately cancelled and requests that the promissory notes may not be handed over to her brother until the High Court passes orders on her application. Considering that

as she has had no notice of her application for probate, I think her request is reasonable. I beg therefore to submit herewith her petition for such orders as the Government may think fit to pass. In the meantime I have not issued the notes to the Executors. I request that Government will be pleased to send me orders by wire.

I have the honor to be,
Sir,

Your most obedient servant

W. M. S.

By Collector

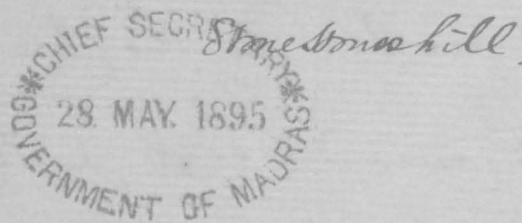
h

Judicial Dept.
From CURRENT NO. 2625
The aged collector
Vizagapatnam.

CI. No 2622/95
No. 1138/95 mis (61)
d. 940 7.595 new
+ papers

To
The Chief Secretary to Govt.
Judicial Deptt.

With the Governor.



Re 2036
1895

Dated 24th May 1895

Respd do

Received 28th do

Enclosures (Two)

Subject:

Requesting to reconsider the
Orders issued in G.O. 940
7.595
regarding the return of
the securities deposited in the
Govt. Treasury to the Executors
of the late Mr A.V. Narsinga
Rao's will.

7 to copy
and 2 to
enquire 159
11/11/95
J.M.
C. P. No. 2622/95
31/5/95
Over. d. 2nd June 1895 No 1187
unless restrained by an
instruction of the High Court, the
Collector must give effect to
G.O. 940 May 1895 No 1138 mis (61)

As the Collector points out in
his opinion in G.O. 940, 900!
7.595
has no legal right to withhold
the securities from the Executors
now that they have taken out
probate. It is for his Master's
Rao to get the grant of probate
cancelled, or to apply for an injunction

I dare say that A.V. Jaggan Rao
is no better than he should be
and that if he gets hold of
the securities there will be trouble
in settling matters with him, but
I am sure that probate has
been taken out in his hand
the notes and bills are
in his possession. If
an injunction is issued, he
cannot wait for the result
of the pending application.

20
307/795