

ORDINARY, MS.

<i>Journal</i> DEPARTMENT.
G.O., DATED <i>17-6-95</i>
No. <i>1292</i>

INDEXED.

When given for copying.

[Despatch Abstract.]

*Telegraphing to the Disa
Master of Vizagapatnam to
take action on the order
of the 27th ultimo & the 1st
instant directing him to
hand over certain Govt
securities to the Executors
of the late Mr R. R. & V.
Wasinga Rao gerula
will.*

FURTHER PAPER, No. 11-11-29867 OF 189
+ 299595 = 1362
26.6

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

ENCLOSURES.

CURRENT No.

STATEMENT WITH DUTY.

ORDER OF GOVERNMENT

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DUTY.

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.

Nil
7.6.95



Petn. Reg. 1536 of 189-5
COLLECTOR'S OFFICE, VIZAGAPATAM.

The Collector of Vizagapatam District,

Vizagapatam.

May it please your honor,

The humble petition of Anitham Baugaramma
gave daughters of the late AV Narasinga Rao gave
most respectfully sheweth:—

1 That AV Jugga Rao, and P T Srinivasa
Jugga Rao produced a Will in the District
Court of Vizagapatam purporting to have
been executed by petitioner's late father

2 The District Judge declined to decide the
genuineness or validity of the Will, but ordered
the grant of a certificate to the said two
gentlemen on their furnishing security for
the whole amount of property disposed of
by the said Will.

3 Unable to furnish the security asked for, the
executors further made a subsequent futile
attempt in the District Court of Vizagapatam
to get the certificate issued from the said
Court.

4 Thereupon the said petitioners filed an application
to the High Court at Madras and obtained
a probate illegally and fraudulently
behind the back of the petitioners

High Court for the cancellation of the said probate setting forth her reasons in a petition filed by her, a true copy of which is herewith filed

6 For reasons stated by your petitioner in paras 8 and 9 of the above mentioned petition, petitioner prayed to the High Court for the annulment of the probate and she further contended as set forth in paras 1 & 2 of the said petition that petitioner's father could not have executed such a will to the prejudice of petitioner his daughter and in revocation of his former will which had been duly registered.

7 Thereupon on or about the month of 29th May 1895 the High Court directed a Citation to issue to the said two executors in the form appended to the rules of High Court original side calling upon the said two executors to return the said probate to the High Court within about the 15th of July next, and not to do anything in the meantime on the strength of the said probate and to prove the Will in solemn form.

8 The said order of the High Court called a Citation has issued from the High Court

And the same will be served on the said
executors here within a week

9 Petitioner further states that she has duly
informed the Government of the above
facts by her petition dated 31st May 1895
and prays that your honor may be
pleased to keep the Govt Pro notes in
your possession pending the disposal
of her petition by the High Court for which
act petitioner shall as in duty bound
ever pray.

10 Your honor petitioner understands that
one of the executors Mr O I Linn was a Jengur
got an information from the Government
intimating to him that the Government had
already passed orders in the case. Petitioner
submits that the said information was in
continuation of the old proceedings before the
Govt. ~~know~~ of the cancellation of the Probate
in question, and petitioner believes that
on a perusal of her petition the Government
will withdraw their former order and
leave the matter in statu quo pending
the disposal of the case by the High Court.

Vijayapateen }
7 June 1895 }
M. A. K. Thunje
Petitioner's Pleader

This is hereby con-
firmed, as far as it goes.
The Collector goes with
the petition to the
High Court. 12. 9. 1895
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And the same with the same on the 1st
 execution for within a week

9 Petitioner further states that she has duly
 informed the Government of the above
 facts by her petition dated 31st May 1882
 and prays that your honor may be
 pleased to keep the Post Office in
 your possession pending the disposal
 of her petition by the High Court for which
 she petitions shall as a duty bound
 ever pray

10 Your honor further understands that
 one of the executors for O'Brien & Co
 got an information from the Government
 indicating that the Government had
 already passed orders in the case. Petitioner
 submits that the said information was in
 continuation of the old proceedings before the
 Court known as the cancellation of the Probate
 in question and petitioner believes that
 on a perusal of her petition the Government
 will withdraw their former order and
 leave the matter in statu quo pending
 the disposal of the case by the High Court.

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Wm. J. J. J. J. J.
Petitioner's Pleader

And the same with the same on the 1st
 execution for within a week

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 Court known as the cancellation of the Probate
 in question and petitioner believes that
 on a perusal of her petition the Government
 will withdraw their former order and
 leave the matter in statu quo pending
 the disposal of the case by the High Court.

Wm. J. J. J. J. J.
Petitioner's Pleader

In the High Court of Judicature at Madras.

In the matter of the last will and Testament of
Ankitham Varkata Narasimha Rao of Vizagapatam
deceased.

To The Honorable Sir Arthur J B Collins, Knight, Q.B.
Chief Justice and

The Honorable the other Judges of the High Court
of Judicature at Madras.

The humble petition of Sree Ankitham Bangaramma
Caru most respectfully sheweth:-

1. Petitioner is the senior daughter of the late testator
herein and a legatee under the will herein.
2. The said testator executed a duly registered will
dated 23rd October 1883 and from the persons
assigned by the testator for bequeathing the whole
of his property to his daughters, it will be obvious
that the subrogent will herein now set up is a
spurious document never executed or signed by
the testator, the will herein never having been
mentioned by him to his friends or relations.
Moreover, petitioner's father, the testator herein,
was bad in health and in a state of
unconsciousness for more than two weeks
before he died on or about the 16th of June
1892, so that he could not only signed have
signed, but executed the will herein.
3. When on the 20th of January 1893, Mr Willoughby,
the then Collector of Vizagapatam, and one of
the executors of the ~~executors~~ of the will herein;

applied in D P No 10 of 1893 to the District Court of
Vizagapatam for a succession certificate, your
petitioner and her sister raised various objections
whereupon the District Judge dismissed the petition
Mr Willock's application on the technical ground
that all the executors had not joined in the
application.

4 There on the 10th March 1893, all the executors joined
and applied to the District Court of Vizagapatam
in D P No 65 of 1893 for succession certificate
on the strength of the will herein.

5 The District ^{Judge} observed in its order "The daughter
of the testator dispute the genuineness & validity
of the will. Petitioner made out a prima facie
case entitling them to the succession certificate
sought for. I have not attempted to make
more than summary enquiry. The question is
too complicated for decision in a summary
proceeding under sec 9; the succession
certificate will be granted on the petitioner's
furnishing satisfactory security for Rupees
233000".

6 The District Judge insisted upon security being
given, because Venkata Jaggadro, one of
the executors was declared insolvent by the
District Munsiff of Vizagapatam on the

5th October 1887, secondly because the daughter
impugned the genuineness of the will, and thirdly
because out of the total amount of the property
worth Rs 233000 and more, dealt with by the
will herein, Rs 115000 has been bequeathed to
the Government of India for the maintenance
of a College, & Rs 67500 to the petitioner & her
sister, the said two sums together forming the
major portion of the assets dealt with in
the will herein.

7 Unable to furnish ~~the~~ the said security,
the said executor applied to the District Court
again for the issue of the succession certificate
without the said security but the District Judge
stuck to his original order and declined to
issue the certificate without the security being
furnished.

8 Thereupon two of the executors of the will herein,
namely, A V Jaggadro and P T Srinivasa
Aiyangar applied to the High Court on the
22nd March 1895 and fraudulently obtained
probate of the will herein on the 17th April 1895,
without mentioning in their petition any of
the facts set forth above, without mentioning
the existence of the daughter of the testator herein,
and without any notice whatever to the

Collector of Vizagapatam or the petitioners their
Sister, who are under the circumstances entitled
to notice and who were ready & prepared to object
to the granting of the Probate and to whom notices
had issued in all the proceedings connected
with the will herein in the Court below.

9 Petitioners therefore submit that the proceedings
in which the grant of the Probate herein
was obtained were defective, that the
petition for probate was in contravention
of the provisions of Sec 7 Act I of 1881, that
the grant was obtained fraudulently by
concealing from the Court the material facts
above set forth and by misrepresentation that all
the assets dealt with by the will were within
the original jurisdiction of the High Court when
the said two executors knew full well that only
Rs 6000 and odd out of the total amount of about
Rs 240000 were within the jurisdiction of the High
Court. Petitioners further submit that under
the terms of the will herein, no application for probate
could be made without the Collector of Vizagapatam
joining in it.

10 Petitioners therefore prays

- (1) that the grant of the said probate may be revoked
- (2) that the grant of the said probate may be
recalled and the executor be put to the

proof of the will in solemn form

- (3) that an injunction do issue from and under the
Seal of the Honorable Court prohibiting the executors
from withdrawing any money due to the estate
herein and the Collector of Vizagapatam,
Messrs Subbuthal & Co at Madras, and the Post
office Savings Bank at Vizagapatam from
paying any money to the said two executors or
either of them

- (4) that the Honorable Court may be pleased
to grant such other reliefs as it may deem
proper and the exigencies of the case may require

Sd R Ramanyachari
attorney

28-5-98

High Court
Madras

In the matter of the Last
Will and Testament of
Ankitham Venkata Narasingham
deceased.

Petition for leave to
grant revocation of
the Probate issued



In Ramaiahachari
Attorney

In the High Court at Madras

In the matter of the Last Will & Testament of
Ankitham Venkata Narasingham Esq of
Vizagapatam deceased.

I, SRamakrishnaiah Pantulu, 1st Grade Pleader,
practising at Vizagapatam solemnly affirms
and say as follows:-

- 1 I have been the Vakil of Sri Ankitham
Bangarajgumma garu, Senior daughter of
the said deceased Testator and know all
facts connected with the proceedings taken in
the District Court of Vizagapatam in connection
with the matter of the Will herein
- 2 I know that Mr Willcox, the then Collector of
Vizagapatam and one of the 3 executors of the
Will herein applied to the District Court of
Vizagapatam for a Succession Certificate
to the effects of the late Testator Mr A V
Narasimha Rao and that the same was
rejected by the District Judge on the ground
that all the executors had not joined in the
Application
- 3 Thereupon all the executors joined & applied
to the District Court of Vizagapatam in
the month of March 1893 in W.P. 65
1893 for Succession Certificate on the strength of the
Will herein, the District Judge on the

objections of the said Bangaramma and her sister ordered that the succession certificate would be granted on the petitioner's furnishing satisfactory security for Rs 233000.

4 The Executors of the Will herein again applied to the District Court for the issue of the certificate free of the security which they were ordered before to furnish but the District Judge declined to issue the certificate without security.

5 In the said proceedings, the said Bangaramma and her sister, (legatus under the Will herein & daughters of the deceased testator) strongly contested the genuineness & validity of the said Will.

6 I say that one of the two executors viz A V Jaggan has been declared an insolvent by the District Munsiff's Court at Vizagapatnam on the 5th October 1887.

7 I say to the best of my knowledge & belief that P T Prnivasa Iyengar one of the other executors of the Will herein has got no property ^(immovable) worth mentioning in the District of Vizagapatnam.

8 I further say that the said Bangaramma & her had no notice at any stage of the proceedings taken in the High Court of Madras by the two executors for obtaining the probate of the Will herein and that she ~~cannot~~ ^{has} come to know only on or about the 20th of the month of the probate having been obtained by the said executors.

9 I know and believe it to be true that one of the executors P T Prnivasa Iyengar has applied to the Collector of Vizagapatnam to deliver over to him the Govt Pro notes disposed of in the Will under the strength of the said Probate.

Solemnly affirmed this 28th May 1888

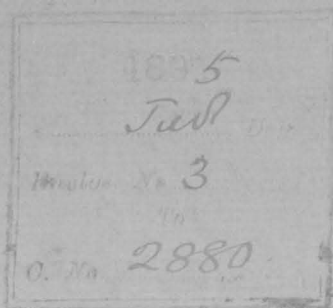
1887. S. Ramakrishna

To His Excellency
The Governor in Council,
Madras.

May it please your Excellency,

The humble petition of Anketnam Baugaramma
Jamm, daughter of late Mr. V. Narasinga Rao,
Dalia Gardens, Vizagapatnam, most respectfully
Sheweth: -

- 1 That an application for citation & revocation of
the Probate granted by the High Court in the
matter of the Last Will & Testament of the late
Anketnam Venkata Narasinga Rao on the ground
that the said probate was made fraudulently
without notice to petitioner & others and in
suppression of the fact that the District Court
demanded security from the executor before
issuing Succession Certificate.
- 2 That the High Court has this day directed
a citation to issue calling upon Messrs
Messrs. N. Jaggadai, & P. T. Srinivasaditya
to bring back the probate granted & deposit
the same in the High Court, to do nothing
in the matter in the meantime and to be
prepared to prove the Will in question in
solemn form.



3 Petitioner therefore prays that His Excellency may be pleased to be informed of the same & to countermand any order that may have been passed in the matter herein for which act the petitioner shall be duty bound to obey.

30.5.95

SD Khammujj Chama
attenu

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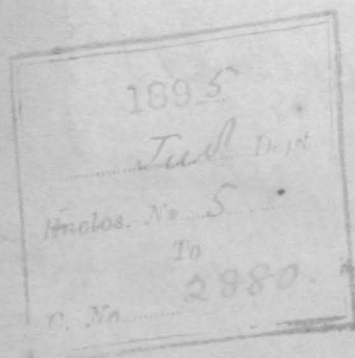
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6-6-95

DEPARTMENT.
 Rosures
 letter
 FROM
 THE COLLECTOR OF VIZAGAPATAM.

To
 The Chief Secretary to Government
 Judicial Department
 Madras

Dated 10th }
 Received } June 1895.



Re. C. No. 2350
 Dis.

ENCLOSURES, 2

Subject.

Affidavit of S. Ramakrishnaiah Pantulu

1st Grade Vakeel. District Court Vizagapatam

I solemnly affirm & say as follows: —

1. I say that I have been acting as the Vakeel of Sri Ankitam Bangaramma Gairi in the matter of the last Will and Testament of her father, the late Mr. A.V. Narayana. On hearing that a probate had been granted by the Madras High Court in the matter of the said Will without notice to her, she sent me to Madras to engage professional people there and to the needful to get cancelled the probate granted by the High Court.
2. I accordingly arrived at Madras on or about the 24th May 1895 and requested Mr. L. Mahadiva Iyer B.A. B.L. High Court Vakeel and Mr. P. Ramaniyachari, Attorney-at-law, to prepare the necessary petitions and affidavits and to move the High Court to revoke and annul the grant of the probate without notice to my client.
3. The said gentlemen did accordingly prepare a petition and affidavit and filed the same in the High Court on the 29th May 95. I say that I was present together with Messrs. L. Mahadiva Iyer & P. Ramaniyachari, when an order was passed that a citation should be

C. P. - 17.11.94. - 700.]

Enclosure DEPARTMENT.

in letter

FROM

THE COLLECTOR OF VIZAGAPATAM,

TO

The Chief Secretary to Govt
Judicial Department
Madras

ated to
ceived } June 1895.

1895

Just

R. C. No.
Disposal.

CURRENT NO. 288

VIZAGAPATAM COLLECTOR'S OFFICE.

Dated 10 June 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.

SIR,

Adverting to G. O. no 1107 dated
18th June 1895 I have the honor to state
that the G. O. no 1130 Judicial dated
27th May 1895 therein referred to has
not as yet reached me and that
I may take the necessary action
in the matter I request that a copy
of it may be furnished to me as
early as possible. But I presume
it directs me to make over to the
Executors of the late M. R. A. V. Narasimha
Rao Gurus will, the Government promissory
notes now in my custody which
are his estate.

Judicial Dept - 8/11/87 - 16 95 and
papers
CURRENT NO 2880
The Collector of
Vizagapatam
Narasimha Rao's Will

CHIEF SECRETARY
14 JUN. 1895
GOVT. OF MADRAS
To The Chief Secretary to Govt
Judicial Dept
Madras.

Re no 2350
1895

Dated 10th
Despd 10th
Recd 14th } June 1895.

Enclosures 46

Subject

Reporting that G.O. no 1130 of 27.5.95
has not been received and that
it would be inadvisable now
to make over the Government
Securities to the Executors of
the late Mr A.V. Narasinga Rao's
will under the circumstances stated

Order will be made by Mr. Justice
12/6/95

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1292

Dated 17 June 1895

[Despatch Abstract.]

M.R.RY. A.V. NARASINGA RAO GARU'S WILL.

Telegraphing to the District Magistrate of Vizagapatam to
defer action on the orders of the 27th ultimo and the 1st instant
directing him to hand over certain Government securities to the
Executors of the late-----.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
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 When copied _____
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 When signed _____

189 .

READ AGAIN G.O., No.
 189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
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