

ORDINARY, MS.

Journal DEPARTMENT. ⁵¹
G.O., DATED 3-7-55
No. 1397

INDEXED.

When given for copying.

[Despatch Abstract.]

Informing Mr R Noy A V. Jugga
that the Govt is unable
for reasons stated to direct
the collector of Vizagapatam
to give effect to Govt dated
27 May 1895 No 1138 regarding
the will of the late Mr R Noy
A V. Kurasimjee Rao.

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

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITO.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITO.

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.

FURTHER PAPER, No. 3756/95 OF 189

370/96 Production
of a letter (Result of suit)

IAN TELEGRAPHS.

Code
Class.

Words.

Day.

Hour.

Minute.

Official
Instructions.

From

(Office)

From

(Person)

To

(Person)

OTACAMUND
12 20 5
Chief Secy to Govt
13 JUN 1895
GOVERNMENT OF INDIA
SECRETARY
CHIEF SECRETARY

Solicit order for dispatch (reversal)
of petition presented on
tentth instant when Collector
referred matter again to
Government for disposal
of Collector's reference pending
receipt of petition.

Recd. from

LN.

Sent to

LN.

At

Hrs.

Mts. by

At

Hrs.

Mts. by

Telegraph

O. G. P.—No. 79 T—25-5-94—40.00.000.

1012 19-15
10661R 1.6.95
No 487.16.95
Papers

No. 2858

Judicial DEPARTMENT.

Deliberation

The Executors of the will
of late Mr. A. V. Narsimha Rao,
Vizagapatnam.

No. -

ated 12th }
received 13th } June 1895

enclosures 4

SUBJECT.

Praying to postpone disposal
- the collector's reference in
the matter of the will of late Mr.
A. V. Narsimha Rao, pending
receipt of their petition of the 10th
instant.

To an int receipt of
from & return of 5.00.
Nos 1238 & 1239 from Mr. Rao

14/6/95

21 JUN. 1895
GOVERNMENT OF MADRAS

Koylatore 18th June 1895

To the Chief Secretary to the Government of Madras
Ootacamund

Sir,

123 & 13-6-95
132 & 27-1-95
940 & 7-5-95
Adverting to my letter d/- 31st ultimo and the Government Order
d/- 27th idem, I beg to state that the present Acting Collector of Vizagapatnam
has to my detriment and loss given no more effect to the said G. O. than to the
previous one d/- 7th idem

The Collector's letter to Government objecting to the latter G. O. was I understand
drafted by the Stenistadar who is a leading member of the "Vizag Club" and
from all accounts had taken an active part in effecting the absolute gift
to the Club from my mother of "Madden House" valuing some Rs 10,000/-
which forces me to institute another declaratory suit. I mention this as it
may possibly throw some light on the extraordinary attitude of the Collector
in not acting up to either of the said G. O's.

2. My mother had apparently been advised to desist in opposing the
execution of my father's last Will whether in her own name, or in the name
of either of my sisters, for she abandoned the right of appeal against the Court's
orders, passed more than two years ago for the issue of Succession Certificate
to me and the other executors of the said Will and never made any attempt
of disputing the will in a suit from the death of my father more than
3 years ago.

And the action of Government in directing me alone or with another
executor to take out probate to the said will, must only have confirmed
the good advice, for as a matter of fact, she well knew that I had applied
for probate under a G. O. and she would not put in a caveat, either in her
own or either of my sister's name. She was well aware also of the issue of the
probate and did not, it appears think of disputing till she made friends of some
of the Butcherry Officials by the gift of the house, and I filed a declaratory
suit respecting the Observatory. My co-executor under my instructions
applied to the Collector in person for the securities tendering our joint receipt
and

1012 17-15
10661R 1.6.95
10 1187-16

Judicial (1895)

and No 1209-q-o required by the G.O. and obtained orders for the delivery of the securities which only the lateness of the hour prevented being given up that evening (20 May) and strange to say the very next morning petitions were put in, in one of my sister's name (the other being no longer with my mother) and in my mother's name, to withhold the securities.

3. One might have expected that the Collector's answer to the petitioners would have been "You have had more than 3 years to settle matters. You have taken absolutely no action for more than 2 years. If you did not know that the probate was applied for, or that it was granted some time ago or that Government ordered the securities to be handed over to the ^{two} executors, how came you to know of the order I passed on application under the G.O. last evening? It would be neither legal nor proper to withhold the securities." Instead of which the Collector cancelled his order and wrote to Government adopting as I have said the Sheristadar's draft and laid aside the G.O.

4. On hearing of this I went up from Madras and explained matters both in writing and orally to Mr. Morris, for in obedience to the G.O. I had raised the sum of Rs 1209-q-o, on the assurance I would return the loan almost immediately receiving the securities according to the G.O. which I produced, and I was distressed to think how the present action of the Collector would ruin my credit and also encourage my mother to take steps with the assistance of friends in office to keep me longer out of my legacy and prevent the prosecution of the paid declaratory suit and deter me from bringing another in respect to the alienation of the Madden House.

5. Finding that the Collector was inclined to delay the matter indefinitely I could but join my co-executor in writing to you praying that the G.O. might be enforced, and addressing you a letter and return to Madras to prevent suspicion in the minds of my creditors.

6. Even on the production of your telegram in reply dt. 2nd Inst "Orders have been issued to the Collector regarding the restoration of the paid securities," the Collector still persisted in withholding the securities.

7. I wired to my executor on information from the Government Solicitor "Ask Collector to give effect to G.O. dt. 24th May, rumours about probate revocation false" (reproduced from memory), which telegram he showed the Collector but to no purpose.

8. According

According to information from the Government Solicitor no order was passed by the High Court respecting the probate, till the time he wrote me on the 4th Inst and the citation asking us to bring into the High Court and prove the validity of the grant on the 9th July reached Vizagapatnam only on the 12th Inst, till which time at least the Collector was not supposed to know of even such citation, and absolutely had no reason to refuse giving effect to the G.O. dt. 24th May which must have reached him long before. But it is widely believed that my mother would never have moved the High Court in one of my sister's name, on the pretext of having received no notice as she has done but for the encouragement received by the Collector, who is equally responsible for not obeying the G.O. and causing me unnecessary vexation, trouble and expense.

9. Even in view of the citation received by us, I submit that the Collector is not justified in disobeying the G.O. for in the absence of any injunction or even notice from the High Court, he is wrong in withholding securities which were deposited in the Government Treasury for safe custody from my possession on receipt I hold, and which had been handed over to me by my late father on the eve of his death in the presence of witnesses.

10. I beg therefore that in the circumstances Government will deem it fair to make the Collector bear all the loss I have been and am put to by his disobeying the G.O. or order that G.O. dt. 24th May be given effect to at once.

I have the honor to be,
Sir
Your most obedient servant
A. V. J. S. Rao

19 June 95 N° 161R

1012 1915
 10661R: 1.6.95
 1187: 16.9
 1292: 17.6.95
 & papers

CURRENT NO. 2986

C. No 2838 & 2986

From, A. V. Jugga Rao
 Bangalore

Ch.
 vide
 Min d/ 3rd July 1895 No. 1397

In view of the fact that
 a citation has been issued
 by the High Court recalling
 the probate originally granted
 the Court is unable to direct
 the Colls to give effect to
 S.O d 27. May '95, No 1138.

Dated 18th }
 Recd 21st } June 1895
 See: u

28.6.95
 27/95

Subject

Regarding the will of the
 late Mr A. V. Narasingaiah
 of Vizayapatnam.

27/6/95
 To Mr. P. B. A. V. Jugga Rao
 Bangalore
 8 JUL 95
 IN MS 517

Note for the H.C.
 Please return the file to me
 as soon as the issue of the
 order.
 H.T.

To await the return of
 S.O d 13-6-95, No 1238.

Returned
 10/7/95 H. L.
 Please return to
 me after issue
 to send to H.C.
 with file
 10/7
 3/7

29/6/95
 27/6