Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Depart-ment.	C. No.	Year.			

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2590-2591.

Dated 14th Dec 1895.

[Despatch Abstract.]

JAGGA RAO OBSERVATORY.

Requesting the Collector of Vizagapatam to move the District Court of Vizagapatam for an adjournment of the first hearing of the suit filed by M.R.Rj . A.V.Jagga Rao in view to get the document executed both by himself and his mother, transferring to Government the-- and Government promissory notes for 3 lakhs of rupees declared void; forwarding to the Government of India, the notice received from the District Judge and a copy of the plaint with the request whether this Government should conduct the defence of the suit.

BACK PAPERS.

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

FURTHER PAPERS.

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

[G / 11]
3,000—8-8-95.

ORDINARY, MS.

Judicial DEPARTMENT.
G.O., DATED 14-12-95
No. 2590/1

INDEXED.

When given for copying.

[Despatch Abstract.]

Requesting the Chr. of Vizag to move the Dt. Court of Vizag for an adjournment of the first hearing of the suit filed by Mrs. A. V. Jaggarao in view to get the documents executed by the Govt. minister in the transferring to Govt. the Jagg.-Rao Narayanaraj Govt Promissory Notes for 3 lakhs of rupees void & not to be binding on him forwarding to the Govt. of India with remarks, the letter received from the Dt. judge dd 27th Sep. & the plaint and enquiring whether this Govt. should contest the defence of the suit.

BACK PAPER, No. 2670-1 OF 189 .

3-12-95

FURTHER PAPER, No. 6037 OF 189 5.

94896

841-2

9-10-95

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.

In the court of the District Judge at Vizagapatam.

original Suit No 23 of 1895.

Ankitam Venkata Jagga Row Garu Plaintiff

The Secretary of State for India in Council 1st Defendant

To

The 1st Defendant dwelling at Vizagapatam

Whereas the above said Plaintiff has instituted a suit against you as per copy of plaint attached hereto, you are hereby summoned to appear in this Court in person or by a duly authorized pleader of this Court, duly instructed and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions, on the 31st day of January 1896 at 11 o'clock in the forenoon, to answer all such questions the above named plaintiff

Notice — 1. Should you apprehend your witnesses will not attend of their own accord you can have summons from this Court to compel the attendance of any witness, and the production of any document that you have a right to call upon the witness to produce on applying to the Court at any time before the trial, on your depositing their necessary subsistence money

2. If you admit the demand, you should pay the money into Court with the costs of the suit to avoid the summary execution of the decree, which may be against your person or property, or both, if necessary.

plaintiff, and you are hereby required to take notice that, in default of your appearance on the day before mentioned, the issues will be settled in your absence, and you will bring with you (or send by your pleader or Agent) which the plaintiff desires to inspect and any documents on which you intend to ~~supply~~ rely in support of your defence.

Given under my hand and the seal of the Court, this 14th day of November 1895.

N. B. You are required to put in a written statement by the 24th day of January 1896.

In the Honorable Court of the District Judge of Vizagapatam

Original suit No 23 of 1895

Plaintiff

Ankitham Venkata Jugga Row lyaru, Fathers name Sri Ankitham Venkata Narsinga Row lyaru, Rai Bahadur, age 29 years Caste Perikis of Vizagapatam now residing at Madras.

Defendants

Secretary of State in council 1st Defendant

Sri Ankitham Atchayyamma lyaru, widow of Sri Ankitham Venkata Narsinga Row lyaru Rai Bahadur age 51 years caste Periki Zamindarini residing at Daba Gardens Vizagapatam 2nd Defendant

A. V. Jugga Row the above named Plaintiff states as follows

1. That sometime in November 1894 Defendant No 2 endorsed over to Defendant No 1 or to his nominee Government paper of the value of Rs 3,00,000 and transferred possession of an Observatory and its appurtenances situate in Daba Gardens, Vizagapatam Town to the Agent of the said Defendant No 1

2. That the said securities and building and its appurtenances formed part of the Estate of the late Sri G V. Jugga Row, the father of the Defendant No 2.

3. The Defendant Nº 2 had only a woman's Estate in the said property and had no power to make the said alienation beyond the period of her life.

4. That Plaintiff is the heir apparent of Sri G. V. Jugga Row and entitled to his estate on the demise of Defendant Nº 2.

5. That Defendant Nº 2 executed a document declaring herself to be the first trustee of the property mentioned in para. 1 of Plaint on the conditions set out in the said document dated 20th October 1894? 1884?

6. That on the 16th May 1892 Plaintiff signed a document dated 15th May 1892, by which Defendant Nº 2 and Plaintiff purported to transfer the said trust of the observatory and its endowment of Rs 3,00,000/- Government Securities to the Government of India.

7. That on or about the 9th December 1892 Plaintiff sent a notice to the Government of India revoking his consent to the document dated 15th May 1892, and on the 14th August 1893 registered a formal document of revocation of the said transfer.

8. That on or about the 31st October 1894 the Government of India, notwithstanding the said notice accepted the document, and took possession of the observatory and the Government Securities as set out in para. 1.

9. That Plaintiff was induced to execute the document dated 15th May 1892 Partly by the representation made to him by the Defendant Nº 2 and her husband that Sree G. V. Jugga Row had directed in writing in his diaries that such a trust should be created by his heirs.

10. That the said representation was false to the knowledge both of defendant Nº 2 and of her husband.

11. That Plaintiff did not discover the falsity of the said representation until after the death of his father the husband of Defendant Nº 2 which took place on 18th June 1892 and within 3 years of Suit.

12. That Plaintiff gave due notice to Defendant Nº 1 under Section 424 of the Code of Civil Procedure.

13. That the cause of action arose on or about the 31st of October 1894 and within 12 years of Suit

as

3. The Defendant No 2 had only a woman's Estate in the said property and had no power to make the said alienation beyond the period of her life.

4. That Plaintiff is the heir apparent of Sri G. V. Jugga Row and entitled to his estate on the demise of Defendant No 2.

5. That Defendant No 2 executed a document declaring herself to be the first trustee of the property mentioned in para. 1 of Plaint on the conditions set out in the said document dated 20th October 1894? 1884?

6. That on the 16th May 1892 Plaintiff signed a document dated 15th May 1892, by which Defendant No 2 and Plaintiff purported to transfer the said trust of the observatory and its endowment of Rs 3,00,000/- Government Securities to the Government of India.

7. That on or about the 9th December 1892 Plaintiff sent a notice to the Government of India revoking his consent to the document dated 15th May 1892, and on the 14th August 1893 registered a formal document of revocation of the said transfer.

8. That on or about the 31st October 1894 the Government of India, notwithstanding the said notice accepted the document, and took possession of the observatory and the Government Securities as set out in para. 1.

9. That Plaintiff was induced to execute the document dated 15th May 1892 Partly by the representation made to him by the Defendant No 2 and her husband that Sree G. V. Jugga Row had directed in writing in his diaries that such a trust should be created by his heirs.

10. That the said representation was false to the knowledge both of defendant No 2 and of her husband.

11. That Plaintiff did not discover the falsity of the said representation until after the death of his father the husband of Defendant No 2 which took place on 18th June 1892 and within 3 years of Suit.

12 That Plaintiff gave due notice to Defendant No 1 under Section 424 of the Code of Civil procedure.

13. That the cause of action arose on or about the 31st of October 1894 and within 12 years of Suit

as

as provided in Act 125 Section 11 of the Indian Limitation Act.

14. That Defendant No 2 is a necessary party to this suit under Section 28 of the Code of Civil Procedure inasmuch as her alleged wrongful act was the cause of action and she is interested in the subject matter of the suit and the costs of suit should be borne by her if plaintiff succeeds.

15. That apart from the fact that the document of 15th May 1892 is voidable for misrepresentation plaintiff charges that the said document is void under Section 6 of the Transfer of Property Act and also for want of consideration.

Plaintiff prays judgment as follows.

1. That the document of 15th May 1892 be declared not to be binding on Plaintiff
2. That the transfer of the property mentioned in the plaint be declared void except for the life of Defendant No 2.
3. That the Defendants do pay the costs of the plaintiff in this suit.

Sd A. V. Jugga Row
28th August 1895

The above is true to the best of my knowledge information and belief.

Sd A. V. Jugga Row
28th Augt 1895

Ec. C. No.

4091/5765

VIZAGAPATAM COLLECTOR'S OFFICE.

Dated 2 December 1895.

Virunala Aiyengar

Please let me know whether this matter shd be dealt with in Judicial at this stage. It has now assumed a purely legal aspect.

F.D.B.
6/12/5

I think it should be dealt with in Judl. now.
HS
6/12/95

ILLOCK ESQR.

Collector,

Vizagapatam District.

ORABLE J. T. Price,
CHIEF SECRETARY TO GOVERNMENT,
Public DEPARTMENT,
MADRAS.

honor to report that I the enclosed notice from dge. Vizagapatam intimating V. V. Jaggarao filed a Suit in his Court against the Secretary of State for India in Council, and his mother Mrs A. V. Narsingarao in view to get the document dated the 15th May 1892 executed both by himself and his mother transferring to Government the Jaggarao Observatory at Vizagapatam and Government Promissory Notes for 3 laks of Rupees, declared not to be binding

on

Rc. C. No. 4651

Re 4651

4091 5765

VIZAGAPATAM COLLECTOR'S OFFICE.

Dated 2 December 1895.

From

W. A. Willock Esqr.

Collector,

Vizagapatam District.

To

The Honorable J. F. Price,

Chief Secretary to Government,

Public Department,

Madras.

Sir,

I have the honor to report that I have received the enclosed notice from the District Judge, Vizagapatam intimating that M.R.R. A. V. Jaggarao filed a Suit in his Court against the Secretary of State for India in Council, and his mother Mrs A. V. Narsingarao in view to get the document dated the 15th May 1892 executed both by himself and his mother transferring to Government the Jaggarao Observatory at Vizagapatam and Government Promissory Notes for 3 laks of Rupees, declared not to be binding

on

on him and the transfer of the property thereby effected declared void Except for the life of his mother. The suit has been filed as O.S. no 23 of 1895 and fixed for hearing on the 31st January next for the settlement of issues. A copy of the plaint is herewith submitted. The history of the case is well known to Government and will be found recited in the Indemnity bond Executed by Mrs Narsingarao and sent to Government. Vide Gt. O Public dated 8th July 1895 nos 561+562 and in the Gt. O.S noted in the Margin. In the plaint Mr K Jaggarao says that he has given the notice required by Sec 424 C. C. P. but no such notice has ever received by me. I do not know whether he has sent it direct to Government. yes - vide page 4 of 8a. 197-8 / 16-3-95

2. I request that Government may be pleased to consult its law officers and to get a written Statement prepared

x Gt. O. dated 17th March 1890 no 204. page 8 of 8a. 157-2/3/92
" " 11th May 1891 no 375. page 9 " "
" " 7th June 1893 no 411.
" 31st October 1894 no 819.
" 2nd May 1895 no 331.

prepared and sent to me for presentation to the Court on the 21st January next as required by the notice and issue the necessary orders for defending the Suit.

I have the honor to be,

Sir,

Your Most obedient Servant,

for Dr C Mesor

Govt

been

on him and the transfer of the property thereby effected declared void except for the life of his Mother. The suit has been filed as O.S. no 23 of 1895 and fixed for hearing on the 31st January next for the settlement of issues. A copy of the plaint is herewith submitted. The history of the case is well known to Government and will be found recited in the Indemnity bond executed by Mrs Narsingarao and sent to Government. Vide Gr.O Public dated 8th July 1895 nos 561+562 and in the Gr. Os noted in the Margin. In the plaint MrK Jaggarao says that he has given the notice required by Sec 424 C.C.P. but no such notice has ever received by me. I do not know whether he has sent it direct to Government. (yes - vide page 4 of 80. 197-8 / 16-9-95)

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I have the honor to be,

Sir,

Your Most obedient Servt,

Sd C Mc Nor

Asst

been

Pub/ Just

PRINT NO. ~~4091~~

~~Public~~

From

The Collector of

Vizagapatam.

To

The Chief Secretary to Government

Public Department,

Madras

Re No 651

1895

Dated 2nd December

Desp'd ~~forwarded~~ 1895.

Rec'd 5th

CHIEF SECRETARY'S OFFICE
7 DEC 1895
GOVERNMENT OF MADRAS

Enclosures. 2

Subject

Reporting that Mr. K. A. V. Jaggarao has filed a suit in the District Court of Vizagapatam against the Secretary of State for India in Council and his mother Mrs. Narsingarao to set aside the transfer of the Observatory to Government and requesting to get a written Statement prepared by the Government Law Officers and Sent to the Collector for presentation to the Court.

Pub go № 915 d. 7-11-95 orig
841-28/9-10-95 Mis
826 - d. 4-10-95 Mis
825 - d. 4-10-95 ..
638 - d. 30-7-95 ..
637 d. 30-7-95 orig
561-28/8-7-95 ..
548 d. 3-7-95 Mis
746 d. 18-6-95 Routine
405 d. 22-5-95 Mis
342 d. 4-5-95 ..
331 d. 2-5-95 orig
197/8 d. 16-3-95 ..
819 d. 31-10-94 ..
444 d. 7-6-95 ..
351-2 d. 2-5-95 ..
339 d. 28-4-93 ..
269-70 d. 6-4-93

5765 Just

Transferred to the Judicial Dept. J. D. B. 6.12.95.

Recd in Jud 6/12

Encs. 2

Note. The Govt papers in the suit by Govt are put up for el no 5525/95 — and the nine Os

We should add a para, I think, to the effect that if India wishes us to undertake the conduct of the defence, it should telegraph — Also, should not the Collr be told to move the Ct for an adjournment of first hearing for a couple of months. There is little time before Court opens. — Jan 24 for correspondence with India —

WD
12/12/95

Judicial Dept

Order Mis

The Govt. of India will be addressed.

Collr. Vizagapm (2) 11/12/95

Letter to

The Secy. to the Govt. of India,

Department of Rev & Agriculture

Sir

I have am directed to forward the enclosed notice received by the Collector of Vizagapatam from the Dt. Judge of that District intimating that Mr. K. A. V. Jagga Rao has filed a suit in his the District court against the Rt. Hon. the Secy of State for India and his mother Mrs A. V. Narsinga Rao praying for a declaration that the document dated the 15th May 1892 jointly executed both by himself and his mother transferring to the Govt. of India the Jagga Rao observatory at Vizagapatam and Govt. Promissory notes for 3 lakhs of rupees, declared is not to be that binding on him, and the transfer of the property thereby effected alienation declared is void except for the life of his mother. The suit has been

and a copy of the plaint referred to therein. These show that

been fixed for hearing on the 31st January 1896. The notice required by section 424, C.C.P. was served by Mr. A. V. Jagga Rao in March 1895 - A copy of this was transmitted with my endorsement No: 198 Public dated 16th March 1895. ~~A copy of the plaint is enclosed.~~

2. The Collector of Vizagapatam requests that a written statement may be prepared and sent to him for presentation to the Court on the 24th January and that orders may be issued for sanctioning the defence of ~~defending~~ the suit.

Vizag 11/12/95.

Judicial Dept.

order nis No 25-90 of 14 Dec/95

The Collector of Vizagapatam should move the Court for an adjournment of first hearing for two months.

2. The following letter will be despatched to the Govt. of India.

14/12/95

Collr: Vizagpm (9) desp'd 19/12

Letter to No 25-91

Desp'd with the Secy's letter 19/12

The Secy. to the Govt. of India

Department of Revt Agre.

Sir,

I am directed to forward the enclosed notice received by the Collector of Vizagapatam from the Dt. Judge of that district and a copy of the plaint referred to therein. These show that Mr. A. V. Jaga Rao has filed a suit in the District Court against the Right Hon. the Secy. of State for India and his mother Mrs A. V. Narsing Rao praying for a declaration that the document dated the 16th May 1892 jointly executed by himself and his mother and transferring to the Govt of India the Jaga Rao Observatory at Vizagapatam

* keep copy

Vizagapatam and Govt. Promissory notes for 3 ~~Lakhs~~ Lakhs of rupees is not binding on him and that the alienation of the property thereby effected is void except for the life of his mother. The suit has been fixed for hearing on the 31st January 1896. The notice required by section 424. C. C. P. was served by Mr. K. V. Jagga Rao in March 1895. A copy of this was transmitted with my endt. No. 198 Public dated 16 March 1895.

2. The Collector of Vizagapatam requests that a written statement may be prepared and sent to him for presentation to the Court on the 24th January and that orders may be issued sanctioning the defence of the suit. He has however been requested to move the Court for an adjournment of the first hearing for two months. I am to request that if the Govt. of India desires that this Govt. should conduct the defence of the suit an intimation to that effect may be sent by telegram.

(Jr. Orders)

F. 13-12-95

When given for copying ____
When copied ____
When examined ____
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 IN ORIGINAL.								

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telegram.

(Jr. Orders)

13.12.95