

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 630.

DATED 26th Mar 1895.

INDEXED.

[Despatch Abstract.]

BUNGALOW OCCUPIED BY THE OFFICE OF SUPERINTENDENT OF POLICE,
SALEM.

Recording letter from the Collector of Salem replying to G.O.
No. 1931, dated 11th. August 1894, regarding the interpleader
suit about the rents due by Government for the two buildings
leased by the late Arunachella Achari of Salem.

met.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1931		11-8-94				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
80	946		8-5-95				

[G. 40]

2000-3.8.94.

1344
Jud Department.

Lodged at Nos 900/94
G.O. 1931: 11.8.94

From the Collector

and District Magistrate,

Salem.

Order 26 March 1895 r 630
mis

To

The Chief Secretary
to Government
Judicial Department
Madras

Dated 13.3.95
Recd 16.3.95
Ref No. 205
Recd 18/3

Enclosures 2

Subject.

Replying to G.O. 1931
11.8.94

regarding the interpleader
Suit about the rent due
to Aruna Challa asari

house.

19.3.95.

Recorded pending the
final decision of the suit.

20.3.95
25/3/95

To The D.M. of Salem.

19.3.95.

As this is only a copy to the
Commissioner, Salem, for his records.

W/o

Office of the Government Meads.
Hosur, 9th February 1895

No 35.

From

The Government Meads
Salem

To

G. Stokes Esq.
Collector of Salem.

Sir,

I have the honor to submit
herewith a draft interpleader plaint
regarding the rents due by Government
for the two buildings leased to
Government by the late Arumachella
Avari of Salem.

2. The Court in which the suit is
to be filed will depend upon the
amount found due by Government
on the date of the presentation of the
plaint.

3. The letter from Mr. Cardew, the
Inspector General of Jails dated 17th
May 94 No. 2457 is vague and in

some places meaningless. He says that rent was paid in August 1886, but does not say to whom.

Further on he says that the Aruna Chella Asari's heirs disappeared from Salem!! I cannot gather from the letter the amount of rent still due by Government for the building occupied by the Deputy Jailor till the beginning of 1887.

4. The amount in the hands of the Police Department must also be ascertained to the date of the presentation of the plaint.

5. I regret very much the delay in the disposal of this reference.

6. The papers were received at a time when I had lost my ease of mind and were placed by mistake by my clerk along with the records of original suit.

T. L.

misfortunes that I since sustained and my own ^{Subsequent} personal ill health also contributed to the delay.

7. All the papers connected with the case are herewith returned.

I have
Obedt P. Vartti Sgr
Yours Please.

N. B.

Since writing the above, I find from enquiries made by me that no rent was received after Aruna Chella Asari's death, either by the widow of Aruna Chella Asari or the widows of Ariaputhena Asari or by any body else from the Jail Department. If so, the payment in 1886, spoken to by Mr. Cardew must again be a mistake. On the other hand, Mappilai Asari, the son-in-law of Aruna Chella Asari told me that the Jail Department has repaid the building of ten.

repair was a of ~~Arumachella~~
 Asari's death, the costs incurred must
 be deducted from the amount due.
 Mr. Cardew's letter is silent on the
 question of repairs. The correct
 facts should be ascertained and
 the draft plaint amended if
 necessary.

Thamase

(Copy) D. V. Allen Esq
 for Pleader

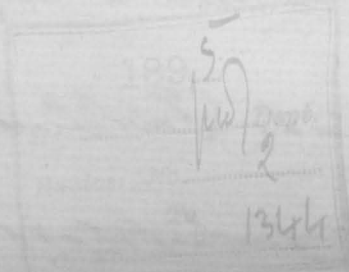
(True Copy)

Thamapattur
 for Collection

Copies

14/3/95

15.3.95



In the Court Salem.

Original Suit No. of 1895.

The Secretary of State } Plaintiff
 for India in Council }

1. Chinnu Agilandaammal.
 2. Chinnu Agilandaammal
 widows of Ariaputhera
 Asari residing at Salem
 3. Rathnam Asari claiming
 to be the adopted son of the
 deceased Arumachella Asari
 residing at Salem. - - - } Defendants.

Interpleader Suit under Section 470. C.P.C.

1. There was one Arumachella Asari
 a renowned Cutler residing at Salem.
 He died in June 1885. He had a nephew
 (brother's son) named Ariaputhera
 Asari husband of 1st and 2nd Defendants.
 This Ariaputhera Asari survived
 Arumachella Asari for a short time.

2. 3^d Defendant is the son to the said Arumachella Arany's daughter and claims to be his Arumachella Arany's adopted son.

3. In May 1881 the Bungalows in Salem used as the office of the Superintendent of Police, Salem was leased to Government by the said Arumachella Arany on a rent of Rs 50 per mensem. The rent that accrued subsequent to the death of Arumachella Arany has not been paid owing to the uncertainty as to the person entitled to receive the same.

4. The 1st and 2^d Defendants claimed the rent for themselves whereas the 3^d Defendant disputed their right to receive the amount and claimed it for himself. The Government gave them notice to produce a decree of a competent Court or some other

them to receive the amount. But none of them have as yet done so.

5. The amount of rent due by Government on this date after deducting the cost of repairs and the charge for the Municipal assessment is Rs.

6. Another building near the Central Jail in Salem was leased to Government in the year 1884 by the said Arumachella Arany at a monthly rental of Rs 30 for the occupation of the Deputy Jailor of the said Central Jail and was given up by Government in the beginning of 1887. The amount now payable by the Government on account of this building after deducting the amount already paid and the charge for the Municipal assessment is Rs.

7. Defendants raised the same dispute with regard to the payment

of this amount as they did with
regard to the payment of the rents of
the Office of the Superintendent of Police.
The total amount of rent due by
government on the said two buildings
as explained in paras 5 and 6, viz
Rs is now paid into the Court.

8. On the death of the said Aruna-
chella Asari, disputes arose as to
the succession to his estate. His
widow Penia Agilandammal applied
for a Certificate of heirship to collect
his debts in M. P. No. 323 of 1885 in the
file of the District Court Salem and
a similar petition was presented by
his nephew Ariaputhera Asari in
M. P. No. 325 of 1885.

9. During the pendency of the above
petitions, the said Ariaputhera Asari
died and was represented by his
widows, the 1st and 2^d Defendants
in this suit. The District Judge

witnesses were examined and a
number of documents were filed on
both sides came to the conclusion
that the family of Arunachella Asari
and Ariaputhera Asari was undivided
and on the 10th April 1886 ordered
the Certificate to issue in the joint
names of the 1st and 2^d Defendants
to the Suit.

10. But the Certificate authorized
only the Collection of debts due up
to the date of Arunachella Asari's
death. Hence Plaintiff did not
consider it safe to pay them the
rents that accrued due subsequent
to Arunachella Asari's death, the
more so, as the 3^d Defendant disputed
their right to receive the rents.

11. 3^d Defendant claims to have
been adopted by the widow of
Arunachella Asari in 1886 in pur-
suance of a permission to adopt.

15
granted by her husband.

12. Plaintiff has no interest in the said amount otherwise than as a mere stakeholder. There is no collusion between the Plaintiff and any of the Defendants.

Plaintiff therefore prays that he be discharged from all liability in respect of the said amount of Rs. that his costs may be awarded to him and that he be dismissed from the suit and further prays that he be given a charge on the amount paid by him in the Court for the costs awarded him by the Court.

(True copy)

Manufactured
For Collector

Copied

15-3-95

[G.
40]

800-10-7-94.

170 DEPARTMENT
CURRENT NO 1344

Salem Collector's Office,

13 March 1895.

Defence No. 205
Bdy.

From

Despatched on 16-3-95

G. STOKES Esq.,

Collr. & Dist. Magte. of Salem.

To

Chief
The Secretary to Government,
Judicial Department,
Madras.

SIR,

With reference to Government

+ Two post card
reminders sent therein.

Order S.O. 1931, dated 11.8.94, Judicial

I have the honor to state that a plaint for filing the interpleader suit referred to therein, prepared by the Government Pleader, Salem together with the connected papers has been forwarded to the Government Solicitor Madras, in accordance with the instructions

in the Government Order.

2. A copy of the plaint together with a copy of the letter of the Government Reader, Saleem, giving cover to it are herewith submitted.

3. I have addressed the Inspector-General of Police and Prisons to furnish to me the figures and the information necessary to enable me to fill up the blanks in paras 5, 6 and 7 of the plaint.

4. I await the further instructions of Government.

I have the honor to be

Ser
Your most obedient Servant
Thana Singh

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

189 .

READ AGAIN G.O., No. 189 , DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DIITO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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