

*Proceedings of the Madras Government, Political Department,  
7th December 1860.*

Read the following Papers:—

No. 29. TO THE HONORABLE THE GOVERNOR IN COUNCIL, FORT SAINT GEORGE

The humble Petition of K...  
Madras, Merchant  
and T

Government of Madras.

Political DEPARTMENT.

G.O. No.

725-

Press  
Mis.

Dated

7- 12 - ~~19~~ 1860

Not to be folded or roughly handled

*Proceedings of the Madras Government, Political Department,  
7th December 1860.*

Read the following Papers:—

No. 29. TO THE HONORABLE THE GOVERNOR IN COUNCIL, FORT SAINT GEORGE.

The humble Petition of KHANI GHIRJEE of Madras, Merchant, and the Executor of the last Will and Testament of GOOSAYEE OODAYEE GHEREEJEE, late of Madras, Hindoo Inhabitant, deceased.

SHEWETH,

1. That your Petitioner on the thirteenth of January last, addressed and sent a Memorial to the Honorable the Governor in Council praying permission to commence an action in Her Majesty's Supreme Court of Judicature at Madras against Ghulam Russul styled Etabar Ood Dowlah Ghulam Russul Khan Bahadur Ukbar Yar Jung, and to sue out the necessary Process against him in respect of a debt due by Padshah Baigum late of Madras, Widow, to your Petitioner's Testator.

2. That your Petitioner at the time of his presenting such Memorial was not aware that the said Ghulam Russul had obtained Probate of the last Will and Testament of the said Padshah Baigum, and therefore only stated as the fact was that he had taken possession of the property of which she died possessed.

3. That the Chepauk Government Agent has furnished your Petitioner with a copy of the Minute No. 254 of one thousand eight hundred and sixty, dated nineteenth April one thousand eight hundred and sixty, stating that Letters of Administration having been taken out to the Estate of the late Padshah Baigum, the permission of Government to the issuing of Process appeared to be unnecessary.

4. That your Petitioner has since ascertained that no Letters of Administration to the Estate of the late Padshah Baigum were ever taken out but that Probate of the last Will and Testament of the said Padshah Baigum was granted to the said Ghulam Russul as the sole Executor therein constructively named on or about the thirteenth day of March one thousand eight hundred and fifty-seven.

5. That your Petitioner is advised that such Probate having been granted previous to the passing of Act No. XXXVII of one thousand eight hundred and fifty-eight, he cannot commence any action or issue any Process against the said Ghulam Russul styled Etabar Ood Dowlah Ghulam Russul Khan Bahadur Ukbar Yar Jung, without the consent of the Honorable the Governor in Council, and that should he do so, such Process would be utterly null and void.

Your Petitioner therefore humbly prays your Excellency in Council that permission may be granted to your Petitioner as prayed by him in his Memorial of the thirteenth of January last, to commence an action in Her Majesty's Supreme Court of Judicature at Madras, against the said Ghulam Russul Ood Dowlah Ghulam Russul Khan Bahadur Ukbar Yar Jung and to sue forth such Writs or Process against the person, goods or property of the said Ghulam Russul as may be necessary or advisable to be sued forth for obtaining or enforcing the Judgment of the said Court in such action and that the necessary consent of the Governor in Council of Fort Saint George to the commencement of such action and issuing of such Writs or Process may be certified by the signature of one of the Secretaries to Government.

And your Petitioner shall ever pray, &c.

MADRAS,  
9th August 1860.

No. 2,411 of 1860.

Referred to the Government Solicitor, who will be so good as to state how the matter stands, and whether the consent of Government is necessary to enable Petitioner to bring his action.

By order,

(Signed) L. FORBES,  
Dy. Secy. to Government.

FORT SAINT GEORGE,  
30th August 1860.

Proceedings of the Madras Government, Political Department,  
7th December 1860.

No. 30. From J. R. BOYSON, Esq., Government Solicitor, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 1st November 1860, No. 1,027.

Order of Government, No. 2,411, dated 30th August 1860, on Petition from Khane Ghirji, dated 9th August 1860.

1. I have the honor to acknowledge and return the Order of Government noted in the margin.

2. On receipt of it I addressed Messrs. Ritchie and Shaw (Khane Ghirji's Attorneys) requesting them to furnish me with a full statement of the claim and such information as would enable me to judge as to the necessity for leave to sue Ghoolam Rusool and the propriety of granting it, and the result of this, and of further communication with Messrs. Ritchie and Shaw and Doctor Balfour, the Government Agent at Chepauk, enables me now to advise that the leave applied for is necessary and should be granted.

No. 31. ORDER THEREON, 7th December 1860, No. 725.

Ordered accordingly that the following Endorsement be given to Petitioner.

"Under the provisions of Act XXXVIII of 1860, the Honorable the Governor in Council is pleased to grant authority for Process issuing from Her Majesty's Supreme Court against Ghulam Rasool at the suit of the Petitioner, Khani Girji of Madras."

(Signed) T. PYCROFT,  
Chief Secretary.

Political Dept

Bo: of the Madras Govt.

Read the following

Petition from Khane Ghirji

From the Govt. Solicitor

1st Novr 1860 -

Order thereon, 7th Decr 1860 No. 725.

Ordered accordingly

that the following  
Endt be given to  
Peti -

"Under the pro-  
visions of Act XXXVIII  
of 1860, the Hon. the  
G. in C. is pleased to  
grant authority for  
process issuing from H.  
M. Supreme Court against  
Ghulam Rasool at the  
suit of the Peti, Khani  
Girji of Madras -"

J. S. G.

In the Govt. Solicitor's dept - 7th

Attended 18th. Sept.

Copy 25.

Proceedings of Court.

27 Decembers

Ordering an  
indorsement in the deposition  
to petitioners Adams &  
Chapman & Hudson, to  
granting authority for  
himself & others from  
Hall. Supreme Court  
against Chapman &  
Hudson.