

Political (1895) Department.

ORDINARY MS.

G.O., No. 829

DATED 11th Dec. 1895.

INDEXED.

[Despatch Abstract.]

PRODUCTION OF DOCUMENTS -

Replying to the summons served by the High Court at the instance of Her Highness Nawab Khair-un-nisa Begam Sahiba, plaintiff in Civil Suit No 257 of 1894 for the production in court of certain documents relating to the payment of her stipend.

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
9]

2,000-12-8-95.

Current No. 1690

DEPARTMENT.

From

The Asst Registrar
High Court.

No.

Dated

23/11/15

Received

27/11/15

Enclosures

28/11/15

SUBJECT.

Forw^d. at the instance
of Lt Lt Nawab Dhanu
Begum Sahib, Plff in civil
suit No. 227 of 94, a summons
for the production of
certain documents

Refce

Please put up all papers
concerning the production of documents
in the Larijora Devasthanam suit.
We refused certain papers.

28/11

(21)

In the High Court of Judicature at Madras.
Civil Suit No. 227 of 1894.

N. H. Nawab Khan Con Nissa Begum Saliba — Plaintiff.
and
Mirza Mahomed Ismail Khan Sahadov — Defendant.

Summons to
produce Do-
cuments Nos.
125, 126.

VICTORIA, by the Grace of God, of the United Kingdom of
Great Britain and Ireland, QUEEN, Defender of the Faith, Empress
of India.

To

*The Chief Secretary to the Government
of Madras.*

Greeting.

We command you at the instance of the Plaintiff in
the above-mentioned suit that you produce or cause to be produced
before our said High Court ~~on~~ immediately on the final hearing of this suit:
day of ~~1894~~ 1893 at eleven o'clock in the forenoon
the documents following, that is to say, *The Reports of Colonel Stuart Paymaster of Carnatic
Stipends requesting the Government to suspend the issue of the Plaintiff's stipend
until Plaintiff consents to draw the same through the defendant with his
signature to her Carnatic Stipendiary Certificates also proceedings of Government
from time to time on the subject also letters or petitions written by the
Defendant since June 1894 up to date against the Plaintiff to the Government of
Madras or through the Paymaster of Carnatic stipends as well as Government pro-
ceedings on the subject.*
and you are not to depart thence until you have produced the docu-
ments and the Court has risen, or unless you have obtained the leave
of the Court.

If you are to be detained beyond the day aforesaid, a sum of
one Rupee will be tendered to you for each day's attendance beyond
the day specified.

Witness THE HONORABLE SIR *Arthur I. H. Collins*
J. C. KNIGHT, Chief Justice, at Madras aforesaid, the 23
day of November in the year of Our Lord One Thousand
Eight Hundred and Eighty thirty five.

Wm. J. Brannon & Brannon
Deft attys

J. C. Clarke
(Signed.) *H. GARDINER*

Assistant Registrar.

Hours of attendance at the Office of the Registrar in the High Court Buildings on
the North Beach from ten till four, except on Saturdays, when the Office will be
closed at one.

ENR 1690

For orders.

The above current is a summons from the High Court for the production of certain papers on the final hearing of a suit ^{brought by} between H. H. Namal Khair-un-nisa Begam Sahiba ^{against} and Mirza Muhammad Ismail Khan Bahadur. The papers are very vaguely defined and may be grouped as follows:-

- (1) Paymaster's letter requesting Govt. to suspend H. H.'s stipend until she consents to draw the same through Mirza Inid Ismail Khan Bahadur.
- (2) All proceedings of Govt. issued from time to time on the subject.
- (3) Letters or petitions written by the defendant since June 1894 up to date against the plaintiff to Govt. or through the Paymaster, C.S. as well as the Govt. thereon. The 1st apparently refers to Colonel Stewart's letter dated 8th January 1895, No. 14 Conf. (marked with slip A) What is meant by (2) is not clear. It is not known what "on

* NOTE There is no such letter on record. It was to an entirely different effect. It intimated the Paym^r having withheld the stipend on account of complaints against H. H.

C.S. I submit that this should not be given

Please see supra

C.S.

The within-named witnesses ^{are} to receive the amount of allowance set opposite to ^{the} name and to grant ^{the} signature for the same.

Rs. A. P.

To the Chief Secretary to the Government — 1 — " — "

By J. C. Clarke
Advt. Registrar

The Chief Secretary
to the Government
of Madras.

[Signature]

[Signature]

PM

5000

Only these
CB. deal
The 2 deal
enough.

- (a) There seems to be no objection to giving a copy of the bars order

- (b) Ditto
(c) Ditto
(d) This cannot be given
(e) Ditto
(f) Ditto

There is also (3) S.D. $\frac{650}{17.9.94}$ of which
a copy of the order alone might be
given
CB.

As to Mirza and Ismail Khan Bahadur's letters to Govt, direct or through the Paymaster, orders are solicited whether they should

There seems to be no reason
why there should not be
given
CS. June 12

I agree with the Chief
Secretary. I think
it is without what the
object of this application
is.

W
4 Dec

be produced or withheld under
section 124 of the Indian Evidence
Act. It seems doubtful whether they
can be considered as communications
made in official confidence. All
these petitions & letters are marked
with slips.

I submit that Mr. Ingersoll
Klein's letter may be produced
as they are not incriminated but that
nothing else should be. It seems ~~as~~
~~very~~ a dodge to get hold of all
the correspondence - not so much
worse it against Mr. Ingersoll Klein
as to form the basis for further
petitions. The papers are unpublished
correspondence regarding matters connected
with affairs of State and are of a
confidential nature: one or two
have not been marked so but they

belong to the chain

2/12/95

Production of documents

FOR ORDERS.

H. E. THE GOVERNOR.

THE HON'BLE MR. H. W. BLISS, C.I.E.

THE HON'BLE MR. J. GROSE.

- Letter 28-6-94
- Telegram 17-7-94
- Letter 17-7-94
- Letter 10-9-94 with order ⁶⁵⁰ 17-9-94
- Letter 10-12-94
- Letter 14-1-95
- Letter 13-2-95

Political Dept.

EN^o 1690

Order ^{ms} No 829 d/11 Dec 95

There are amongst the records of the Secretariat two "reports of Colonel Stewart, Paymaster, &c. requesting Govt. to suspend the issue of the Plaintiff's "stipend until Plaintiff consents to "draw the same through the defendant "with his signature to her Carnatic "stipendiary certificates". Colonel Stewart addressed to Govt. a letter 28.1.95, No. 14 conf. which does not ~~exactly~~ answer the above description

2. The Govt. has no objection to the production of ^(noted in the margin) letters ~~and~~ petitions written by the defendant since June 1894 up to date against H.H. Nawab Khairun nisa Begam Sahiba to the Govt. of Madras or through the Paymaster of Carnatic ^{and also of No. 650 d/17-9-94} stipends ~~if the suit date of the final hearing of this suit is referred to Govt.~~

3. Colonel Stewart's letter alluded to in para 1 and also the remaining documents called for

being
~~of~~ of a confidential nature,
H.E. the Governor in Council
declines, under section 123 of the
Indian Evidence Act I of 1872,
to permit their production or
evidence of their contents to be
given. They will, ~~if necessary~~,
be produced under ^a sealed cover
with a copy of this order.

3. It is requested that timely notice
of the date of hearing of the suit may
be given

CS
6.12.95

(From Order)

2.

The Asst Registrar, High Court (Sunder)

copied & P
9/12

Note for CS.

Yes No

Perhaps 800 Rs. $\frac{650}{17.9.94} + \frac{33}{16.1.95}$

may be produced; the former is an
order by a letter of the defendant which
will be produced and the latter an
order to the Committee on one of its letters

orders are solicited whether
Mirza Inad Ismail Khan's letter
marked with in the paper under
cover of no 1727 should be produced.
These papers have not yet been
disposed of.

CS
6.12.95

Production of
documents

Received the sum of Rs 1/-
(one only) being the batta
due for the production of
certain records (G.O No
829 dt 11.12.95 Poll.) before
the High Ct.

mm

14.2.96

R. Chakrapani
Rau

14.2.96.

N.B.-

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

The Encl to Polk c. no 894
+ the letter of 13. 2. 95 men-
tioned in go. Polk. n^o. 829
of 11. 12. 95 were filed in
the H. Ct on the 15th Jan^y 1906
in C. S. 227 of 1894.

31-1-96

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.

N.B.—
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