

Political (1897) Department.

ORDINARY MS.

G.O., No. 343-4

Dated 28-5-97

INDIA

W3
3/5

Mr. G. S. B.

[Despatch Abstract.]

Requesting India to furnish this Govt with the names and addresses of the wife & sons of one General Pitt Jony reported to be a political exile from Nepal in connection with a litigation regarding the estate of the Saharaj Sahib of Jaipur.

30/5/97

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
6878	28.10.97						

Political
Judicial (1897) Department.

S
20/5/97

CURRENT No. *653.*
2060

Order

From
The District Judge, Tanjore,
To
The Chief Secretary to ^{the} Government
Madras.
Through the Registrar of the High
Court, Madras. No. 672

Dated 30 April 1897.

Received 16 th May 1897

Registered 17 th May 1897

Enclosures *50 in Poll* 18 th May 1897

Spare copies

SUBJECT.

Requesting that the names and addresses of the wife and sons of one General Jit Jung of Nepaul may be ascertained from the Government of India to enable him to bring them on the record as parties in a suit now pending before him.

BACK PAPERS.

G.O.	No.	Department.	Date.
	86	Pol.	8-3-97 R.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

District Court, Tanjore
29th April 1897

No:

From

J. H. Hammett Esquire,
Ag: District Judge,
Tanjore

To

The Chief Secretary to

The Government

of Madras.

Through

The Registrar of the High Court of
Judicature,

Madras.

Sir,

With reference to G.O. R. No: 86,

Political, dated the 8th March 1897, for-
warded to me by the Registrar of the
High Court, with his letter No: 470 dated
the 13th March 1897, I have the honor to
state that the information wanted by
me from the Government of India is
the names and addresses of the wife
and sons of one General Jib Jung, reported
to be a Political exile from Nepal
who was for some time residing with
his family at Gubbahpore. The names
and addresses of these persons is re-
quired to enable me to bring them on
the record as parties in a suit now
pending

reading before me

2. Property valued at over 6
lacs of rupees is involved in the
suit and it is of the utmost importance
that all persons who appear to have
any claim to the property should be
brought on the record. The history of
the litigation is somewhat peculiar
as will be seen from the accompany-
ing Memo, which I enclose for the
information of Government.

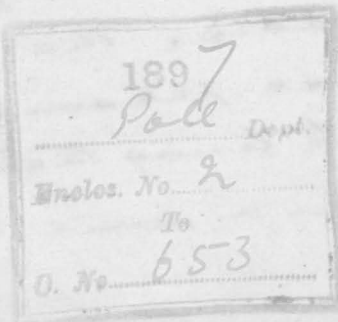
3. I request that the Govern-
ment of India may be addressed
and desired to furnish the information
required. As General G. G. is
reported to be a political exile, I pre-
sume that the Government of India
will be in possession of information
as to his whereabouts.

I have the honor to be,

Your obedient servant

W. H. Munnell

Ag. Secy. Judge.



653
CURRENT No. 2060

Ref on en no 1286.

Forwarded to the Chief Secretary
to the Government of Madras.

High Court of
Judicature,
Madras,

14th May 1897.

Dy. Registrar,
Original Side.

DESPATCHED

4 MAY 97

Political DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated 8th Dec 1897 R No. 86.

Again G.O., dated 189 , No.

Current No. 653 of 1897, dated 14/5, from High Court

" " " 189 , " " "

" " " 189 , " " "

ORDER. W. 343 D 28th May 97

The Govt. of India will
be addressed.

The Honble the Chief Justice, with Ck.

Letter to W. 344 D 28th May 97

The Secretary to the Govt. of India
Foreign Dept.

Sir.

I am directed to request
that you will be so good as to
furnish ^{me with} the names and addresses
of the wife and sons of one
General Jit Jung who is reported
to be a political exile from
Nepaul and who was for some time
residing with his family at
Jubbulpore. This information
is required to enable the District

In H.C. (Madras)

Herewith I send faint copy
of the letter signed by the C.J.
Kindly have the same
Copied & the letter & copy from there

For Reply in
S. 687 T
28-10-97

28/5/97

K to copy only the letter
S. 687 T

property ~~to~~ upwards of six lakhs of
to the rupees in value is

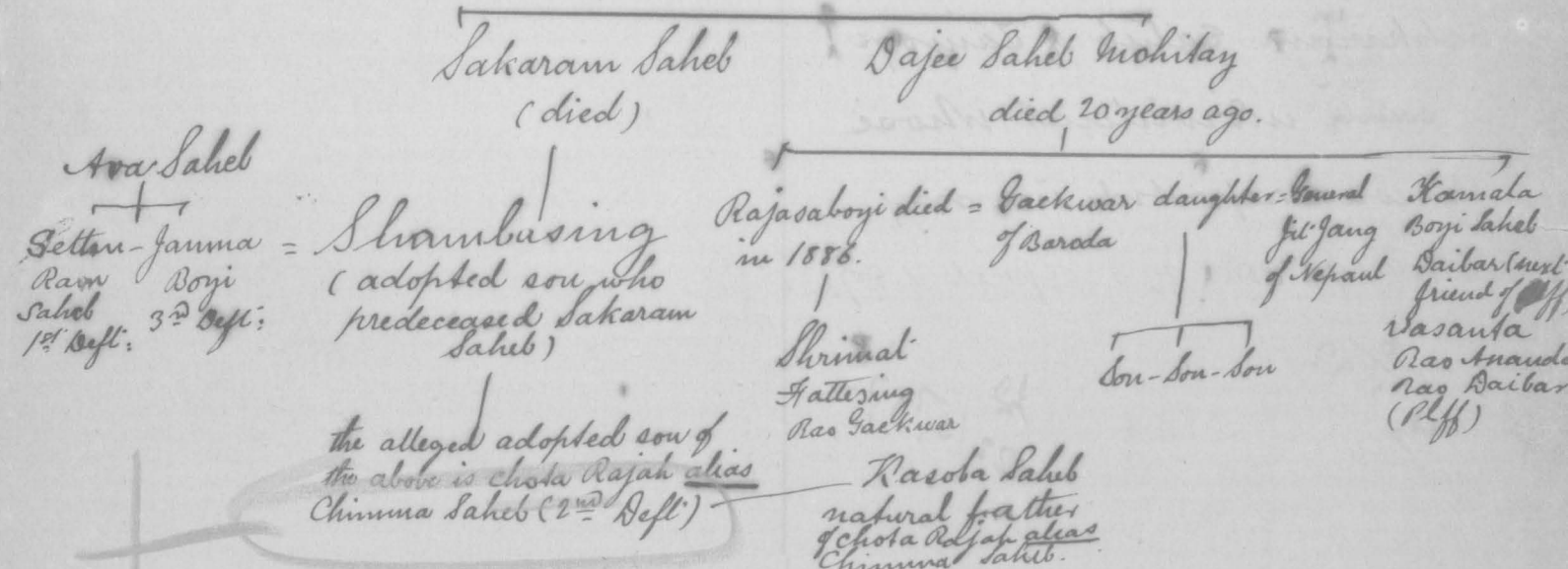
upwards of six lakhs of
rupees in value is

~~Keep copy~~ done 3/6

22/8/87

The late Sakaram Saheb of Tanjore, who was married successively to two of the daughters of the late Rajah of Tanjore, died on the 28th January 1895 leaving a large Estate valued at about 3 lacs of rupees. At the time of his death the Collector and Political Agent of Tanjore, in order to prevent his valuable personal property ^{being} looted sealed the rooms in which it was kept and took charge of it pending the decision in a competent Civil Court as to who were the deceased's rightful heirs.

2. The following table gives the names of persons who either are or are alleged to be related to the deceased in such a way as to give them a claim as heirs to his Estate and also the names of parties in the litigation which has taken place.



3. After the death of Sakaram Saheb, his daughter-in-law Jumna Boyi and her brother Setharam Saheb (minor) claiming under a will alleged to have been executed by the late Sakaram Saheb, ~~used~~ ^{put} in O.S. 5 of 1895 on the file of the Tanjore Sub Court for a direction to compel the registration of the said will, the registration of which had been refused by the District Registrar of Tanjore after enquiry. In that suit, Chota Rajah alias Chimma Saheb (minor), the alleged adopted son of Shambusing, was the 2nd Defendant and his natural father and guardian Kasoba Saheb was the 1st Defendant.

Suit I

Tanjore Sub Court for the recovery of all the property of the deceased Sakaram Saheb impugning the will set up by Jumna Boyi and her brother Sethuram Saheb as forged and otherwise void, inoperative and invalid. Jumna Boyi and Sethuram Saheb were the 1st and 2nd Defendants in this suit and the Secretary of State for India in Council was impleaded as the 3rd Defendant, as the Collector and Government Agent of Tanjore at the time of Sakaram Saheb's death secured under his lock and seal the rooms in which his valuable property was kept and had that property in his custody when the suit was filed.

5. Vasanta Rao Ananda Rao Daibar (minor) son of the 3rd daughter of Dajee Saheb Mohitay, the deceased brother of the late Sakaram Saheb, ~~brother of the late Sakaram Saheb~~, claiming to be entitled to succeed to all the properties of Sakaram Saheb applied to the Sub Court to be made a party to O.S. 5 of 1895. The Court declined to make him a party on the ground that the validity of the will set up was not a matter for adjudication in that suit. He also applied ⁱⁿ M.P. 211 of 1896 to be made ^a party to O.S. 33 of 1895. Notice of the application was ordered and it was posted for hearing on 10th March 1896. On the 7th March 1896 the parties to the above two suits entered into a compromise, in terms whereof the subordinate Judge's Court passed a decree on the same day and the following order was passed on M.P. 211 of 1896 on 10th March 1896.

"Dr. Burroughs for petitioner who is deceased's brother's daughter's son says that he opposes the compromise. I do not think that even granting that petitioner's right as heir-at-law is good, he has any right to oppose the compromise and ask that the suit should go on. He has his own remedy. In these circumstances, I dismiss the petition".

6. Vasanta Rao Ananda Rao has brought the present suit for the recovery of the properties of the deceased Sakaram Saheb. In the plaint he states that the compromise is fraudulent and not binding on him and that it was not legal that a compromise decree should be passed directing registration when registration was refused by the Registrar, without finding upon the evidence that the Registrar had no valid reasons to refuse registration. He impugns also the will and the adoption. It is also stated

ise absolutely

Chota Raja alias
Chimma Saheb and
Sethuram Rao

Vasanta Rao
Ananda Rao

to the 3rd Defendant seven Villages which had previously been settled upon her for life under a karar, dated 17th December 1893, for her maintenance and that any claim of the 3rd Defendant to the said properties further than an estate for life cannot stand. The Defendants to this suit were originally three (1) Sethuram Saheb (2) Chota Raja alias Chimma Saheb and (3) Jumna Boyi. The suit was instituted in the Tanjore Sub Court and filed as O.S. 13 of 1893 on 25th April 1893.

7. On the 23rd April 1893 the Plaintiff and the 2nd Defendant in O.S. 33 of 1895 put in a joint application for execution praying for the delivery of the moveable properties decreed to them under the compromise decree which were under the lock and seal of the 3rd Defendant in the suit. The Plaintiff in O.S. 13 of 93 put in an application under section 493 of the Code of Civil Procedure praying to issue an order in the nature of an injunction to the Defendants in the suit directing them not to execute the compromise decree in O.S. 33 of 1895 or to take any steps there under, not to collect the outstandings due to the estate of the late Sakaram Saheb and not to take delivery of the properties under the lock and seal of the Collector of Tanjore. The subordinate Judge ordered that intimation of the above facts be given to the Collector and he be asked to hand over the bonds and papers, &c and the rest of the properties to such persons as may be appointed to take charge of them, that on the value of the properties being ascertained, the question of the amount of security ~~will~~ will be determined when the properties or such of them as may be necessary may be handed over to the petitioners under section 431 and that if they failed to give security the property do remain in the custody of the person appointed by the Court. Accordingly ^{he} be appointed one Ramier as Commissioner for the purpose of taking possession of the properties and for preparing an inventory for them showing also their estimated value.

8. On the 10th August 1893 I had an interview with the Ag. subordinate Judge of Tanjore and learning from him that O.S. 13 of 1893 was an important original suit pending in his Court, I transferred it to the file of the District Court under section 25 of the Code of Civil Procedure. The execution

proceedings in O.S.33 of 95 were also transferred to this Court for disposal. The suit was filed in this Court as O.S.2 of 1893.

9. On the 13th July 93 the Plaintiff in O.S.13 of 93 had made an application to the subordinate Judge under section 503 of the Code of Civil Procedure for the appointment of a Receiver for the realisation, preservation, better custody and management of the plaint properties and for a direction to the Commissioner already appointed, not to proceed with the making of the inventory pending the appointment of a Receiver. As no final order was passed on this application by the Sub Judge prior to the suit being transferred to this Court, I appointed Mr.K.S.Srinivasa Pillai, a first grade Pleader, as Receiver on the 29/8/93 on a ~~month~~ monthly pay of Rs.200. He took charge of all the properties of the Estate and has been managing the affairs connected with it.

10. On the 18th September 1893 one Veeraraghavaiengar was on his application admitted as the 4th Defendant in the case as he laid claim to items 28 and 29 in schedule A attached to the plaint and wanted to resist the Plaintiff's claim to the said two items.

11. On the 23th October 1893 the Plaintiff put in a petition praying to add as a party Shrimant Fattasing Rao Gaekwar of Baroda, the minor son of another (first) daughter of the deceased Dajee Saheb Mohitay and to appoint His Highness the Gaekwar of Baroda as his guardian. This party was accordingly added as the 5th Defendant in the case and notice of the suit was given to him through the Agent to the Governor General at Baroda who in reply has forwarded to me copy of a letter received by him from the Dewan of His Highness the Maha Rajah in which the Dewan states that Shrimant Fattasing Rao is not subject to the jurisdiction of the Court and the procedure adopted by the Court in appointing His Highness the Maha Rajah Saheb as guardian ad litem is open to exception, that without in any way admitting the jurisdiction of the Court, His Highness the Maha Rajah desires to state that he does not wish to prosecute the claims, if any, of Shrimant Fattasing Rao to the property in dispute and that the District Court of Tanjore may be informed of the above and may be requested to eliminate the name of the minor Prince from the list of Defendants without any liability to costs. I have treated the 5th Defendant

as Ex parte, as the Prince might have under section 432, Civil Procedure Code, appointed an Agent to defend the suit and as he has expressed his intention not to do so.

12. The 1st and 3rd Defendants have brought to the notice of the Court that the second daughter of Dajee Saheb has married one General Jit Jung (a Political exile from Nepaul now residing with his family at Jubbulpoor) and that she has 3 sons who are ^{as} near heirs to the suit estate as the Plaintiff, but the Defendants are unable to give the Court any information as to the names of the lady in question or of her sons or their addresses.

13. I made a reference to the Under Secretary to Government of India (Political Department) to try and ascertain the name of the 2nd daughter of Dajee Saheb and her sons and their whereabouts. A similar reference was made by me to the Agent to the Governor General at Baroda who in his reply states that no one at Baroda is in possession of authentic information about the family of the lady who married General Jit Jung of Nepaul.

14. Recently the vakils engaged in the suit extra Judicially consulted me in chambers as to whether I considered there was any objection to the parties compromising the suit. I informed them that I did not consider the matter could be properly disposed of until the sons of the second daughter of Dajee Saheb are brought on the record.

/Signed/ F.H.Hamnett,
Ag.District Judge.

Tanjore,
29th April 1897.

When given for copying
When copied
When examined
When signed

(y.o.)
4/6
1897
Letts Reed
3/6/97

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.--

- A = Copy in full.
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- P = Copy abstract only.
- Q = Copy heading only.