[Poll. / 8.]
1,004—24-8-97.

# Political (1898) Department.

ORDINARY MS.

G.O., No. 597

DATED 23-8-98

MADRAS.

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[Despatch Abstract.]

Declining to interfere in the matter of the petition from one Keelap wrayil Abdul Kadir appealing against the Orders of the Collector of Malabar about the succession to certain property in the Agatti Island of the Malabar Laccadives.

7
2.9.98

## BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
| 1202/98 | 734 | | 9.X.98 | | | | |
| 3870 | | | | | | | |

RJ 27/9/98

# Political (1898) Department.

CURRENT No. 1015

P 27.VII RJ 3/8

403/17.6.98

CHIEF SECRETARY'S
31. JUL. 1898
GOVERNMENT OF MADRAS

***From*** The Board of Revenue, Land Revenue, Madras.

***Order*** No. 2012 Mis.

***Dated*** 27th July 1898

***Received*** 31 — do —

***Registered*** 2 — 8 — 98

***Enclosures***

***Spare copies***

## SUBJECT.

Resubmitting to Govt. with remarks, petition from one Keelapurayil Abdul Kadir appealing against the Proceedings of the Collr. of Malabar relating to the succession to certain property in the Agathi Island of the Malabar Laccadives.

BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| 403 | D. 98 | | |

FURTHER PAPERS.

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

Cochicut Kazi's first decision

Question by Padippurayil Halimathumma and Abdurrahaman of Agathi submitted for the decision (Fathwa) of Muhammad Bin Ali Kazi of Cochicut:—

Cheeriodayil Pathichi while she was going on a pilgrimage to mecca in 1299 - 1310, having had no children, bequeathed to us whom she brought up as her own children and gave us her house, the articles therein the Cocoanut trees around the house and the land on the Thara, and directed us to enjoy these properties as our own jenmam property. Subsequently She died before her return. We both are the children of the deceased Pathichi's mother's younger sister. It is therefore requested that a decision may be given, as to whether we have any right over the deceased's properties according to Shara, either through the Will or through relationship.

Witnesses who speak to the will are produced before you. 20th Ramzan 1311

(Sd). Halimatha.

(sd). Abdurahaman.

Reply.

Two witnesses who were with Pathichi depose before me that at mangalore on her way to Hedjaz on a pilgrimage in 1310 She made the will referred to in the query. Assuming the Will to be genuine you both will under the muhammadan Laws be entitled to the whole property bequeathed should it be equivalent to one-third of her entire property and if it exceeds one third of her entire property you will be entitled to only so much which is equivalent to

on

one-third of her entire property. The relation existing between you and the deceased being Thil-Arham, you both notwithstanding the will be entitled to the entire property of the deceased provided that there is no nearer relatives to the deceased than you.

(Sd). Muhammad bin Ali.
Kazi of Cocicut.

(True Translation)

R Sumrock
for C Mellor

Feb 2nd 98

Cocicut Kazi's Second decision

In the name of God — Praise be to god who is the Lord of the univers - Peace and happiness be to his prophet mulammad &c.

Query - Submitted to Palli vittil muhammad Hajiar Thangal Avl Kazi appointed by Government for the Town of Cocicut. — Cherinda Cheithajel Paelchiechi Hajjumma died. The deceased's father's direct paternal elder uncle Ahamad's daughter ummatha had three daughters of whom ummacha and Asiatti and a son of the deceased Kadija survive. The above said ummacha is my wife Besides them there are also living Alimatha umma and Abdurahaman children of Aisha who is deceased (Paelchiechi's) elder sister ummathamma's daughter. It is requested to give a decision as to who is the claimant to the deceased Paelchiechi's property. The relatives of the said Halima and Abdurahaman hold in their possession half of the property left by the deceased. It is also requested to give a decision as to whether these persons, if they have no claims, are bound to surrender with means profits up to date, the property in their possession to the legal heirs. Paelchiechi died on her way to the Hedjoz. She did not dispose of her property in any way till her death.

On 24th Jany 1898 vide para 4 of Collector's report @ 11

(Sd). muhammad Kaya.

Reply — It is observed that the deceased Paelchiechi has no heirs Called "+Aabeetar" and "Paellar". Ahamad's daughter's children ummacha and her sister Asiatti being the only heirs to the deceased are entitled to half share, each, of the property under

× Indirect

under the Muhammadan Law. Alimattha and Abdurahaman and Kadija's son are debarred by reason of Hajb under the Muhammadan Law from inheriting the deceased's property. If they have had in their possession any property of the deceased it must be surrendered with income thereon.

Previously a question regarding the property of the deceased was referred to me for my decision by Abdurahaman and Alimattha in which they did not mention the existance of ummacha and Adiatti and they further relied upon a will. Should the genuineness of the will be established Alima and Abdurahaman will be entitled to only one third of the deceased's property.

(Sd). Muhammad Bin Ali
Kazi of Calicut.

(True Translation).

R Sundram
For Collector

2
Fl/102-B98

5 98

Opinion of the Adlathi Kazi.

Opinion of the Adlathi Kazi Pattinad Salmi Kunja given before the Amin Canolwoy of Adlathi.

I heard you reading the order of the Collector No. 48 of 98 and saw the Fathwas send along with the order. I gave my first decision on the 24th Rajab 1312 Licli that, because the names of ummacha and Adiatti were not mentioned in the Suwal. As I learn from the Fathwa of Calicut Kazi that ummacha and adiatti are also entitled to get a share and as I know for certain that they are alive. I very well agree with the second decision of the Calicut Kazi dated 28th Sabar 1315. The properties must be divided according to that decision. This is the truth of it.

(Sd). P. Salmi Kunja.
Adlathi Kazi.
20th march 98.

Mediators.

(1). Kutti Ummoda Abdul Azeez Kunja (Sd).
(2). Kala Veetil Ahamadu Kunja (Sd).
(3). Poonoda Ali Kunja (Sds).

(Sd). K. Kaumi Kunja.
Amin.

(True Translation).

R Sundram
For Collector

1
Fl/102-B98

Proceedings of the
Collector of Malabar, dated 12th April 1898.

In the dispute between Kolapuraiyil Abdul Kader on one side and Cheruiodachattayil Beeran Kutti and Ammad Kaya on the other side, regarding the properties left by the deceased Cheruioda chattayil Pathichi Hajjumma, Mr. Hewetson ordered on 96 that the properties should be divided according to the decision of the Kazi. Both the parties produced Kazi's decision. When there was a doubt as to which of the two decisions should be followed the Amin of Alathi was directed to ascertain from the Kazi of the Island as to which decision should be followed. From the Amin's report and from the opinion given by the Island Kazi before the Amin Cutcherry, it is observed that the Fathwa of the Calicut Kazi produced by Beeran Kutti should be followed. So, the Amin is directed to divide the properties in dispute according to the Fathwa produced by Beeran Kutti.

(Sd). R. Rama Rao.
For Collector.

(True Translation of the order appealed against.

5-
Pt-10/29/98

R Sundram
for Coll[illegible]

Malabar Collector's Office
Calicut, 27th May 1898.

From

F. B. Parsons Esquire
Ag. Collector of Malabar.

Dis. No. 176
1898

To,

The Secretary to the Commissioners
of Land Revenue
Madras.

Sir,

I have the honor to submit herewith a petition from one Keelapurayil Abdul-Kader.

2. When Mr. Hewetson visited Agathi Island in January '96 the petitioner claimed on behalf of Haluma and Abdulrahiman the property of the deceased Pakriehi Hajjummah on the strength of a will alleged to have been executed in his favour by the deceased. Mr. Hewetson passed the following order on the 3rd January '96 "The Amin and the Karanavars are of opinion that the document is not properly stamped and witnessed, it is not registered, the petition is therefore dismissed."

3. On the 4th January '96 Abdulkadir petitioned the Collector praying that the property of the deceased Pakriehi might be distributed in accordance with the decision of the Ca[illegible] of

F of Calicut, a copy of which he produced. It will be observed that in the application to the Cazi of Calicut no other heirs than Halima and Abdulrahiman have been referred to.

4. On the 24th January '98 the Counter petitioners Ahamed Koya and Beeran Kutty produced before Mr. Dance another decision of the Cazi of Calicut declaring that their wives (Ummachi and Adiatte) are entitled to the property of the deceased Pattichi Hajjumnah and that Halima and Abdulrahiman have no claim to it.

5. As the two decisions of the Cazi of Calicut were conflicting, Mr. Dance directed the Amin of Agatthi to ascertain from the Cazi of the Island as to which decision should be followed. The latter upheld the second decision of the Cazi of Calicut, and an order was according passed by Mr. Dance in favour of the Counter petitioners.

6. Translations of the Calicut Cazi's two decisions and of the Agatthi Cazi's opinion are enclosed.

I have the honor to be
Sir
Your most obedient Servant
P Wagenen
Ag. Collector

Current No 819

2000
25-4-98.

REVENUE BOARD OFFICE
MADRAS

# Proceedings of the Board of Revenue

(Land Revenue).

No 1464 Routine, dated 10th June 1898.

Read — letter from F. C. Parsons Esqr. Actg. Collector of Malabar Dis. No 176/98 dated 27th May 1898.

D

Resolution:-

The petition read above will be transferred to Government in continuation of the Board's reference No 36 dated 11th March 1898.

(True Extract)

14 JUN 1898

Actg Secretary
for Secretary

8/GC-1025-98

To

The Chief Secretary to Govt Pol: Dept.
with the petn & Enclos & Collector's
letter in original

Current No: 1015

2,000
15-7-98.

REVENUE BOARD OFFICE MADRAS.

# Proceedings of the Board of Revenue

(Land Revenue).

NO.2012 Misc.Dated 27th July 1898

Read again Board's Proceedings No.1464 Routine, dated 10th June 1898.

Read also endorsement of Government,Political Department,No.1586,dated 22nd.June 1898.

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Resolution

The Collector's report and its enclosures received with the endorsement read above will be resubmitted to Government with the remark that the Board shares in the Collector's doubts as to the validity of the will and considers that he acted properly in accepting the second decision of the Calicut Kazi,concurred in,as it was,by the local Kazi.

(True Extract)

Lionel Dawkins.
Ag.Secretary.

To the Chief Secretary to Government,Political Department,
with 8 enclos.in original.

Q.B.

Political R.D.J. 17/8 12

# Public (1898) Department.

CURRENT No. 1096

Note:- Previous petn. with a note has been submitted to CA

R.D.J. 17/8

CHIEF SECRETARY
17 AUG. 1898
GOVERNMENT OF MADRAS

**Order**

**From** The Board of Revenue
Land Revenue
Madras

No. 2053 Continue

**Dated** 13th August 1898.
**Received** 17
**Registered** 17 } 8-1898
**Enclosures** - 1
**Spare copies** -

SUBJECT.

Submitting to Govt. in continuation of B.P. 2012 27-7-98 petition of K. Abdu Kaunder for Padipurayil Abdu and Mhero of Agatti Island of the Malabar Laccadives praying for orders on his petition dated 10-5-98 regarding the forfeiture of lake Patrichy Hajiyar any

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | | | |

## FURTHER PAPERS.

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

1498

LAND REVENUE
Stamps Recd

13
131
LOS.
8 AUG 1898
ASST. SECRETARY.

To,

The Honorable the Board of
Revenue, Madras

"

The humble petition of Keelapurayil Abdulkawder on behalf of 1. Padipurayil Abdurahiman 2. Mohammed & 3. Pathummah of Akkathy Island.

Most Respectfully showeth,

That, the Petitioner most humbly beg to state that an appeal was submitted by him on behalf of the above individuals against the decision passed by the Collector of Malabar on 12th April 1898 regarding the properties of one Pattichy Hajjummah deceased. That though the Appeal was submitted to the Honble the Board on the 10th May '98, Yet he has not yet been favoured with a reply, and the Petitioner has ever since been staying on the mainland (Malabar) without going to his native place (Laccadive Islands.)

Petitioner therefore most-humbly prays the Honble the Board will be generously pleased to pass an early & favourable order in the matter. For which act of kindness and gracious justice Petitioner shall Ever Pray &c.

6th August '98.

Abdul Kawder

14 Current No. 1096

2,000
15-7-98.

REVENUE BOARD OFFICE * MADRAS *

# Proceedings of the Board of Revenue

(Land Revenue).

No 2053 Routine, dated 13th August 1898.

Read — petition from Keelapurayil Abdul Kauder for Padipurayil Abdurahim and others of Agatti Island, dated 6th August 1898.

Resolution :-

This reminder petition will be submitted to Government in continuation of B.P. No 2012 Mis dated 27th July 1898 which contains the Board's views with regard to the petitioner's appeal

(True Extract)

L.D. Swamikannu
15.8.

Asst Secretary
for Secretary

To
The Chief Secretary to Govt Pol Dept
with 12 [illegible]

Enclosure to ex no. 1096 of 98
Political

[ G. 25 ]
500—16-5-98.

Political Department.

C. No. 1015

HIS EXCELLENCY THE GOVERNOR.
THE HON'BLE SIR HENRY BLISS, K.C.I.E.
THE HON'BLE MR. GROSE, C.I.E.

SUBJECT.
Civil appeal from the Laccadives.

FOR ORDERS.

Please see also the notes which follow the flag
CMB

From para 2 of G.O. No. 402, Pall., dy 16.6.98 it will be seen that civil and Criminal appeals from the Laccadives lie with Government the Board of Revenue being appointed to ~~simply~~ forwarding the Collector's reports, with any remarks it may have to make on each individual case, to Government. The present current deals with the appeal of the Keelapuri Abdul Kader of the Akatti Island, one of the Malabar Laccadives on behalf of (1) P. Abdu Rahiman (2) P. Muham-

inhabitants of the same
Island against the
decision of the Collector
of Malabar assigning
the property of Cheniода
Chettayil Pakrichi Hajumma
(deceased) to Cheniода
Chettayil Biran Kutti
and Ahmad Kaya of
the same island. Attention
is solicited to ~~the~~ pages
6.a and 6.b ~~of~~ the note in G.O. No.
402 Poll. of 16-6-98 in
which the mode of in-
heritance obtaining in
these islands has been
dealt with. It was there
found that questions
relating to inheritance
nd division of
operty were settled by
curious mixture
Marumakkatayam
Muhammadan
ws.
The present case is,
is submitted, quite
ttention is

Enclosure 4 B

K

Encl. No. 2 D

* i.e., 1894 A.D

Vide para 2 of his Report,
Enclosure No. 2 D

Enclosure No. 8. F

solicited to the Collector's
report to the Board.
The deceased Pakrichi
Hajumah appears
to have made the
Hedjaz in the year ~~1312~~ 1893
~~M.E.~~ and died abroad
making no provision
for the devolution of
her property. The
petitioner however asserts
that she left a will in
behalf of his clients, but
~~this statement is contra-~~ the validity of this will was not
admitted
~~dicted~~ by the Collector of Malabar
In January 1896 the
petitioner prayed that the
property of the deceased
might be distributed in
accordance with the
first decision of the Kazi
of Calicut, in which the
Kazi on the supposition
that about Khader's clo
were the nearest relati
declared them entitled
the the whole propert
But the Kazi of Cali

The alleged will is a genuine and that

having come to know of the
in existence of Kunnacha
& ans Adiatti (women)
d nearer relatives of the
of deceased pronounced a
th second decision in which
C he declared them to be
( the sole heirs and
distinctly set aside his
first decision which he
said was founded on
the existence of the pseudo-
will ans on his ignorance
of the existence of nearer
relatives. This second
decision of the Kazi of
Calicut was sent to
the Kazi of the Island
for opinion ans he
quite agreed with the
azi of Calicut, and
rders were passed by the
llector of Calicut accord-
to the second decision.
3. Against these orders
Petitioner appeals.
Chief grounds he
duces are

Enclosure No. 7 C

Enclosure No. 6 E

Enclosure No. 4 B

Rtd b Post

Enclosure No. 3 G

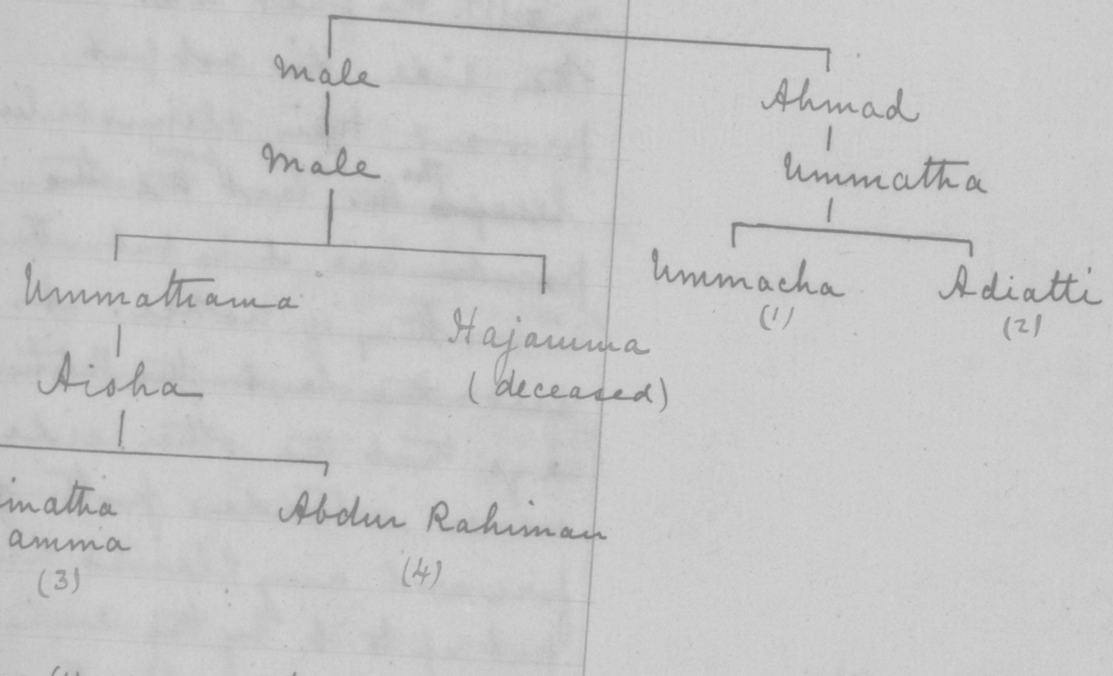


(1). the existence of the will
(2). the fact that he was at
first granted the property
(3). the fact that the second
decision was fraudulently
obtained from the Kazi;
(4). the known of hostility of
the Amin of Akathi toward
him;
and (5). the fact that the
other side did not put
forward their claims earlier
Except The last point this other
point is one it is submitted
the only one getting for
unworthy of notice. As
regards the last the Petitioner
The petitioner states
says that the other side
never intended putting
forward any claims till
put up to do so by the Amin
of the Island. The Board
of Revenue is however of
opinion that the Collect
acted properly in
accepting the Kazi's
second decision, as
the Board is, it is
submitted correct.

Para 5 of his petition
after G

Rtd b Post

of Calicut
As the Kazi pointed out the petitioner's clients are barred by the fact that there are nearer heirs surviving. The following table sets out the relationship between the claimants and the deceased.




Nos. (1) & (2) are the claimants in whose favour the Collector decided. Nos (3) and (4) are the clients of the present petitioner.

~~The Kazi of Calicut has probably~~ The Kazi of Calicut has apparently been misled by Muhammadan



law in his decision from which it is presumed that the family does not constitute a Tarwad.

The following draft order is submitted for approval.

Cmd
22.8.48

[ G. / 24. ]
500—8-12-97.

22

Political DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 16th June 1898, No. 402

Again G.O., dated 189 , No

Current No. 1015 of 1898, dated 31/7/98, from the Board of Revenue

" " 1096 " 189 , " 17/8/98 " Land Revenue.

" " " 189 , " , , Do.

ORDER No. 597, dated 23rd Augt '98.

Mis.

The Govt. declines to interfere on behalf of the petitioner who will be informed accordingly.

RDJ 11/8/98. Cmd 22.8.98

1/23/8/98.

Dispd 26.8.98

11

K/27/8/98

The Board of Revenue Lands Rev. (q+o) ~~with~~ ~~enclos. Nos 2, 4 and 6 to 8.~~ ~~in~~ original.

The Petitioner (thro the Collector, Malabar) (q+o) with enclos: Nos 3 + 5 in original.

FROM ORDERS.

C. S.

[ G. / 11 ]

306—14

n given for copying _____
n copied _____
n examined _____ } 189 .
igned _____

GAIN G.O., No.
189 , DATED

ARENT 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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A = Copy in full.
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