[Poll. / 8]

500—15-4-98.

Political (1898) Department.

ORDINARY MS.

G.O., No. 663

DATED 16-9-98.

[Despatch Abstract.]

Furnishing Muhammad Nizam-ud-din Sahib Birth attested copies of the papers he applies for, except one, on the payment of the copying fees.

BACK PAPERS.

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

FURTHER PAPERS.

~~G.O.~~	No.	Department.	Date.	G.O.	No.	Department.	Date.
530/98 - 12 R 2.6.98							

[Poll. 7]
500—29-7-96.

Political (1898) Department.

Note The G.Os. in which attested Copies are required, are here except two - G.O. 1875 Rev'd 29-6-68 & 2261 Rev'd 26-8-68- Their M.O. has been written to for these.

AS 5/9/98

Door

dw W 6/9/98

CURRENT No. 1179

Order

From

M. Nizamuddin Sahib, Madras.

No. -

Dated 2nd
Received 5th } Sept. 1898.
Registered
Enclosures one
Spare copies. -

SUBJECT.

Asking for certain certified Copies.

1815 839-6-68
2261 26-8-68

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CHIEF SECRETARY* GOVERNMENT OF MADRAS*
5 SEP 1898

In the City Civil Court at Madras.

O.S. No. 157 of 1898.

Brahmin Ghouse Sahib

—— v ——

Brahmin Mozamuddin Sahib.

I, Brahmin Mozamuddin Sahib, the defendant above-named do hereby solemnly affirm and say as follows:-

1. The above suit was instituted by the plaintiff seeking for a declaration that the defendant is not entitled to the office and emoluments of the muttavalli of the Dargah of the Hazreth Syed Karimullah Shah Kadiri situated in Triplicane, Triplicane, Madras.

2. The plaintiff claims the office and the emoluments attached thereto under a will alleged to have been executed by the father of the defendant the late muttavalli of the Dargah.

3. The defendant filed a written statement alleging that the office was a hereditary one and that therefore it was inalienable under a will and an issue was settled to ascertain whether the office was a hereditary one.

4. To prove this issue the documents hereinafter set out are necessary and for the purposes set out in detail.

5.

5. Government order No. 1115. issued in the Revenue department on the 29th day of June 1868 will show that the defendants grandfather Mahomed Ghouse Sahib was in receipt of the allowance attached to this Mia.

6. Government order No. 2261 issued in the Revenue department on the 26th day of August 1868 will show that the last holder one, defendants grandfather Bahaeuddin Sahib was receiving the allowance.

7. Government order No. 229 issued in the Revenue department under date the 3rd day of February 1872 will show that the allowance was continued after Bahaeuddins demise to his son Mahamed Zeeuddin Sahib.

8. These documents all necessary to show that the Mia was a hereditary one.

9. The plaintiff also alleges that the last mutawalli, defendants father permanently transferred the Mia in his name during his lifetime.

10. To disprove the above and to show that the defendants father Mahomed was unable through sickness to attend to the Mia personally during the last two months of his life got it transferred temporarily in the name of the plaintiff during the minority of the defendant.

11. Col. Bagnes letter No. 434 dated the 28th day of November 1881 & the forwarding letter recommending the temporary transfer of the endowments in the name of the plaintiff.

12. Government order No. 566 issued in the Judicial department under date the 12th day of December 1881 & the order sanctioning such temporary transfer.

13. Col. Stewards letter No. 182 dated the 13th day of May 1896 & the forwarding letter recommending the retransfer of the said allowance in the name of the defendant on his attaining majority.

14. Government order No. 323 issued in the Judicial department under date the 23rd day of May 1896 & the order sanctioning the permanent retransfer.

15. Col. Prices letter No. 167 dated the 29th April 1898 & the report of the officer on the petition submitted by the plaintiff objecting the retransfer.

16. Government order No 340 issued in the Judicial department under date the 19th day of May 1898 & the order declining to set aside the order of retransfer.

17. As all these documents are very essential witnesses and most of them are manuscript orders and it is therefore desirable that the original and the Copy marked Exhibits may be permitted to be produced before the hearing.

M-Nizamuddin

Exhibits.
Solemnly affirmed by
Mahomed Nizamuddin
at my chambers this
30 day of August 1898.
Explained & claimed affirmation
administered by me
this Marburgh 1898 Jos Ha
Judge Pet.

Before me
Marburgh
Judge Pet.

CURRENT No. 1179

No 24 Tippoo Sahib Street
Chetty's Garden
Mount Road Madras.
2? September 1898

To

The Chief Secretary to Government
Fort Saint George
Madras

Honored & Respected Sir,

I beg leave most respectfully to intro-duce myself as the Mutawali of the Durgah of his Holiness Karim Ullah Shaw Sahib situated in Kristnampet, Triplicane.

A Suit was instituted against me in the City Civil Court, such Suit being O S No 154 of 1898, for the recovery of the said office and its emoluments from me. The undermentioned documents being material to the trial of this Suit in the manner set out in the Affidavit enclosed, I applied to the City Civil Judge for permission to Subpœna the Government, and the Judge observed that I should apply for certified Copies and if I do not get them I may apply for Subpœna.

I therefore very respectfully request that your Honor will be pleased to order certified Copies to be given to me or to express your Honors willingness to produce these documents at the hearing of the Suit for the inspection of the Court and the parties to the Suit. The final hearing is posted to the 27th instant & I am prepared to deposit the costs of the certified copies on intimation.

Documents

1. G.O No 1815 (Rev) dated 29th June 1868
2. G.O No 2261 (Rev) dated 26th August 1868

City Civil Court.
Madras

O.S. No. 154 of 1898.

Mahomed Ghouse Sahib

—or—

Mahomed Nizamuddin Sahib.

Affidavit in support of petition for permission to issue subpœnas against Govt. Pleader.

Mr. Subramaniya Mudaliar
Dy Register

3. G.O No 227 (Rev.) dated 3d Feby 1872 D
4. Col Baynes's letter No 434 dated 28th November 1881 } G
5. G.O No 566 (Political) dated 12th December 1881 } C
6. Col. Stuart's letter No 182 dated 13th May 1896 }
7. G.O No 323 (Political) dated 23d May 1896 } O
8. Col. Price's letter No 167 dated 29th April 1898 } H S
9. G.O No 340 (Political) dated 19th May 1898 } S N

I beg to remain
Honored & Respected Sir
Your Honors most Obedient &
humble Servant,
M - Nizamuddin Shah

Political Dept
C 1179

For Orders

1. In the note for orders flagged A in G.O. 340 Pol dd 19.5.98 it is mentioned that Muhammad Khan, the brother of the late Muhammad Nur-ud-din, claimed to be the Mutwalli of the Karmi-ulla Shah Durga and its Endowments

2. It appears that he has now instituted a suit against Muhammad Nizam-ud-din Sahib & others G.O. 323 Pol dd 23.5.98 transferred the monthly allowance of Rs 24.9.4 paid for the upkeep of the tomb of Karmi-ulla Shah

3. To prove his right defendant, Muhammad Nizam-ud-din Sahib asks for certified copies of the marginally noted papers or else

that

1. G.O. No. 1815 Rev dd 29.6.68 ... B
2. G.O. No. 2261 Rev dd 26.8.68 ... J
3. G.O. No. 227 Rev dd 3.2.72 ... D
4. Col Baynes letter No. 434 dd 28.11.1881 ... G
5. G.O. No. 566 Pol dd 12.12.81 ... C
6. Col Stewart's letter No 182 dd 13.5.96 ... O
7. G.O. No. 323 Pol dd 23.5.96 ... O
8. Col Price's letter No 167 dd 29.4.98 ... H S
9. G.O. No. 340 Pol dd 19.5.98 ... S N

that Govt will declare its willingness to produce the documents at the hearing of the suit, for the inspection of the Court. He forwards an affidavit in support of his request and explains that he applied to the City Civil Judge for permission to sub-poena Govt, but that the Judge advised him to apply for certified copies, remarking that if he does not get them, he can then apply for sub-poena. Please see in this connection Fo. Dl. 150 Pol dy 28.2.98. II

The final hearing of the case is fixed for the 27th instant and applicant is prepared to pay the cost of copying. This would be Rs1 for every 175 words vide Gp. Dl. 1052 Rev dy 5.12.93 U and Board's Standing Rules N° 226 (rule 17) and not Rs1. per 240 words as in Fo. Dl. 771 Pol dy 7.12.97 Q

Q In the Board's Standing Orders then quoted by the Head Clerk had been superseded

Cmt

4

4. The three Rev. Gos. are printed but all the Pol. Gos are Miscellaneous. The reason for asking for them is given in each case in the affidavit and there seems to be no objection to granting any of them, except perhaps Col Bruce's letter N° 167 dy 29.4.98 on G.O. 340 Pol dy 19.5.98. Each paper is taken up seriatim below.

5. G.O. 1815 Rev dy 29.6.98 ... B

calls for a report from the Govt. of Madras Govt Agent as to whether the tomb of Karimulla was kept in proper order & the services duly performed. Submitted that there is no objection whatever to granting

R

1

× as printed Cmt

copy × of the G.O.

G.O. 2261 Rev dy 26.8.68 ... V

contains the Govt Agent's reply to the above G.O. It sanctions the continuance of the allowance of Rs 295 per annum to Muhammad Bakar and directs that the tomb is kept in proper repair. There is no objection to granting a copy

An attested copy of this order as printed may be granted?

Cmt

G.O.

G.O. 227 Rev dy 3.2.72 ... D
sanctions the continuance
of the allowance to Muhammad
Nur-ud-din on the same condition

Submitted that there is no
objection to granting Copy put
G.O. 566 Pol dy 12.12.81 ... C
is the order passed on Col Bayne's
letter No 432 dy 28.11.1881 G
regarding the transfer of the
allowance to Muhammad Shah
The transfer was sanctioned
as a temporary measure.
No objection

An attested copy of the printed order
Cws

An attested copy of Col. Bayne's letter & of the order thereon may be granted.
Cws

G.O. 323 Pol dy 23.5.96 ... O
transfers the allowance to
Muhammad Nizam-ud-din,
he having attained his majority.
It contains Col Sheppard's letter No
182 dy 13.5.96. No objection to
granting either G.O. or letter
G.O. 340 Pol dy 19.5.98 ... S
is the order declining to accede
to Muhammad Ghaus' request
that the allowance should
be retransferred in his
name. This order was
passed after reference
to

O An attested copy of the letters and order may be granted
Cws

Submitted that paras 5 and 6 of Col. Pryce's letter should be refused copy of the remainder of the letter and copy of the order being granted
Cws

N.B. Revenue papers received only today.
CWS 9.9.98

H

to Col Pryce, whose report,
letter No 167 dy 29.4.1898,
is also asked for. This letter
contains a resumé
of the whole case, and
the last two paras
set out Col Pryce's "opinion"
It is for orders whether
there is any objection to
granting a copy of the
letter. Submitted that
there is no special
reason why it should
not.
CW
9.9.98

CS.
Please see marginal
note & draft. below sub?
for approval
CWS
10.9.98

E/Sp

Political Dept.

Order. No. 663. Dt 16th September 1898.

This Muhammad Nizam-ud-din Sahib will be furnished with attested copies of all the papers in which he applies, with the exception of paras 5 & 6 of Col. Pycco's letter No. 167 Dt 24. 4. 98 which are of a confidential nature, on the copying fees amounting to Rs 1-12-0 x being forwarded to the Head Clerk Chief Secretariat Fort St. George.

Cl[illegible]
13. 9.98

Copies 14.IX.98 Dispd 19.9.98

Muhammad Nizam-ud-din Sahib
No. 24 Typpu Sahib Street
Chetty's Garden
Mount Road
Madras

Copy of P.C.S's letter dispd 24.9.98

HC/O File intact to HC/M who will please arrange for the copying charges

x HC/M Fill in please
Cl[illegible]

*When given for copying*_____
*When copied*_____
*When examined*_____ } 189 .
*When signed*_____

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

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