

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1397	Press ~~His.~~
Dated	October 12,	1857.

85-86

Not to be folded or roughly handled

23 September 59 N° 32-93

Permanence 1859 Receipt
Braz. Gov. N° 1838

From
The Acting Secretary
to the Board of Rev.

To The Chief Secretary
to Government

Dated 29th
Despatch of September
Recd 7th 1859
C-1. de. letter.

2. Encls. No 17-118-3910

1397-12th October
Submitting for

information the Director
of the Civil Court of Madras
in D. F. C. No 2 of 1857, brought
by the son of the zemindar
of Poonicoolum to
obtain immediate prop-
riety of the estate on
the ground of the imbeci-
lity of his father.

Nos 5 & 86.

October 1859

With an order

1397

Ordered that the foregoing
letter be recorded.

W. Fort & Co.
12 October 1859

No. 3910.

From
W. HUDDLESTON, Esq., Acting Secretary to the Board of Revenue.

To
T. PYCROFT, Esq., Chief Secretary to Government.

Sir,
With reference to their letter dated 21st August 1859, No. 3332, I am directed by the Board of Revenue to submit herewith, for the information of Government, the decree of the Civil Court of Madras, in the suit noted in the margin.

2. An outline of this case is given in the Board's proceedings of 21st ultimo, and it seems unnecessary to recapitulate it here; it will suffice to say that the plaintiff has failed to prove that his mother was the "Putama Siree" of the Zemindar of Pooleencolum, and that he is consequently heir to his father. As regards his request to be put in immediate possession of the estate on the ground of the imbecility of his father, the Civil Judge states as follows:—

"In the first place, it has not been shewn how the Court can legally deprive the 1st defendant of his Zemindary during his life time; and, secondly, if, as has been pleaded, the Zemindar is from imbecility unable to conduct the duties of his Zemindary, it appears rather the province of the Court of Wards than the Civil Court, to appoint a Curator; but evincing such enmity as it has been shewn he does towards his father and the rest of his family, the plaintiff is one of the last persons the Civil Judge would think of appointing to that position."

3. The Civil Judge, however, states from his own personal examination of the 1st defendant, the present Zemindar, and the testimony of parties who have known him and examined him professionally, that he is incapable, owing to bodily infirmities, of managing his own affairs, and has been so for some years past "and prior to the filing of the Razinamah in original suit No. 8 of 1836," which made over the Zemindary absolutely for 10 years to a third party in lieu of interest on an alleged debt.

4. Under these circumstances the Board will request the opinion of the Collector of Madras, as to whether, under the strong opinion expressed by the Civil Judge, he considers it incumbent on them to interfere as a Court of Wards. The property seems to be of small value, and as above stated to have been made over absolutely to a third party for 10 years in satisfaction of an alleged debt; the Board do not, therefore, see at present, that their taking the property under management, would be of any benefit to the present disqualified proprietor or to his heirs, but they will await the reply of the Collector on the subject.

I have the honor to be,
Sir,
Your most obedient servant,

Revenue Board Office,
Fort Saint George,
29th September 1859.

Acting Secretary.
Copy to Collector of Madras, who will submit the report required by paragraph 4.

*Proceedings of the Madras Government, Revenue Department,
from 5th to 21st October 1859.*

No. 85. Read the following letter from W. HUDLESTON, Esq., Acting Secretary to the Board of Revenue, to T. PYCROFT, Esq., Chief Secretary to Government; dated 29th September 1859. No. 3010.

With reference to their letter dated 21st August 1859, No. 3332, I am directed by the Board of Revenue to submit herewith, for the information of Government, the decree of the Civil Court of Madras, in the suit noted in the margin.

2. An outline of this case is given in the Board's Proceedings of 21st ultimo, and it seems unnecessary to recapitulate it here; it will suffice to say that the plaintiff has failed to prove that his mother was the "Putama Stree" of the Zemindar of Pooliencolum, and that he is consequently heir to his father. As regards his request to be put in immediate possession of the estate on the ground of the imbecility of his father, the Civil Judge states as follows:—

1. Shunmoogamada Nicker of Pooliencolum (Zemindary.)
2. Verrasimoo Ummal alias Percurellayammul, younger wife of the 1st defendant.
3. Ouloo Chinama Nicker, father of the 2d defendant.
4. His son Moolloomadaagay Nicker.
5. Vullymooleo Nadan of Shippoopeppuram in the talook of Sungenminar Coril in Tennerelly District.

"In the first place, it has not been shown how the Court can legally deprive the 1st defendant of his Zemindary during his life time; and, secondly, if, as has been pleaded, the Zemindar is from imbecility unable to conduct the duties of his Zemindary, it appears rather the province of the Court of Wards than the Civil Court, to appoint a Curator; but the plaintiff is one of the last persons the Civil Judge would think of appointing to that position."

3. The Civil Judge, however, states from his own personal examination of the 1st defendant, the present Zemindar, and the testimony of parties who have known him and examined him professionally, that he is incapable, owing to bodily infirmities, of managing his own affairs, and has been so for some years past "and prior to the filing of the Itazimamah in original suit No. 8 of 1856," which made over the Zemindary absolutely for 10 years to a third party in lieu of interest on an alleged debt.

4. Under these circumstances the Board will request the opinion of the Collector of Madras, as to whether, under the strong opinion expressed by the Civil Judge, he considers it incumbent on them to interfere as a Court of Wards. The property seems to be of small value, and as above stated to have been made over absolutely to a third party for 10 years in satisfaction of an alleged debt; the Board do not, therefore, see at present, that their taking the property under management, would be of any benefit to the present disqualified proprietor, or to his heirs, but they will await the reply of the Collector on the subject.

No. 86. ORDER THEREON, 12th October 1859, No. 1397.

(Signed) T. PYCROFT,
Chief Secretary.

Ordered that the foregoing proceedings be recorded.

6/9/05/04/5

4472

R.H.

11-8-2006 R.H.

24/20

24/06