Revenue Department

No 394

Dated 24-3-1859

394

No. 15. Read the following Extract from the Proceedings of the Board of Revenue, dated 18th February 1859, No. 634.

In Con. 17th December 1858.

Read order of Government dated 7th February 1859, on Petition No. 332 of 1859, appealing from the Board's decision regarding the succession to the Zemindary of Thalavencottah in Tinnevelly District. Ordered that the letter from the late Acting Collector of Tinnevelly dated 6th November 1858, No. 365, on this subject be submitted to Government with copy of the Board's Proceedings on it, dated 17th December last.

2. The Government will observe from the abovementioned letter, that very serious doubts exist as to the paternity of the boy on whose behalf the above petition has been presented, and the fact of his mother having been repudiated by the late Zemindar and subsequently married to another person appears to be provided.

3. Again the legitimacy of the Zemindar's son by his so-called second wife appears very doubtful, and the Board incline to think the preponderance of the evidence is against it.

4. On the other hand, putting these two claimants aside, there can be no question as to the right of the late Zemindar's younger brother to the succession, and the Board were of opinion that his title was "prima facie" preferable to that of the other claimants.

5. They therefore recognised him as successor, and he being of full age is now in possession and management of the Estate.

6. The friends of the two Minor claimants can prosecute their claims in the Civil Courts if they think it worth while to do so.

(A true Extract.)

(Signed) W. HUDLESTON, *Sub-Secretary.*

No. 16. ORDER THEREON, No. 394; dated 24th March 1859.

Intherun Ramasawmy Talaven Zemindar of Thalavencottah in the District of Tinnevelly died on the 7th July last, and the parties who bring forward their claims to succeed, are

1. *Ramasawmy Intherun Talaven.*—The alleged son of the deceased by the 1st wife.
2. *Ramasawmy Pandia Talaven.*—The son by the 2nd wife.
3. *Intherun Valungapooly Talaven.*—The younger brother of the deceased.

The Board have recognized the claims of the 3rd who is now in possession and management of the Estate.

2. The 1st claimant urges his claim on the strength of his being the son of the deceased by the 1st wife, but from the evidence brought forward by the 2nd and 3rd claimants it appears to have been proved that the 1st wife was put away for misconduct, and was married at her mother's house a second time to another person, and that the 1st claimant is not the son of the deceased at all. The Vakeel on behalf of the 1st claimant admits that his client was born at his grandmother's house, but states that his mother was 5 or 6 months in the familyway when she left the house of deceased.

3. The 2nd claimant states that on the 1st wife having been sent back to her own home, the deceased, married claimant's mother, and that consequently he is the legitimate heir to the Estate. The evidence adduced to refute this goes to prove that the mother of the 2nd claimant was not married to the deceased but was kept by him as a concubine, and that being of a different and lower caste no marriage could have been solemnized. The Vakeel produces an urjee written by the deceased to the Collector in which, he says, it is clearly stated that the 2nd wife was lawfully married.

4. The 3rd claimant builds his claim on the fact of his being the younger brother of the deceased, and considers that as his brother died without legitimate male issue, he is the proper person to succeed. He also produces a yadast, which he states was signed by the deceased, and by which the management of the Estate is relinquished in his favor.

5. The Right Honorable the Governor in Council sees no reason to disturb the decision passed by the Board in favor of Intherun Valungapooly Talaven younger brother of the late Zemindar. If the other claimants are dissatisfied, they must prosecute their claims in the Civil Courts.

(Signed) W. C. SIM,
Acting Deputy Secretary to Government.

of this being the son
of

Rev Dept

No 394

Extract from the Minutes of Commissioners
Under date the 24th March 1859.

Read the following
Extract from the Proceedings of the B. of Rev.
(Here enter 18th July 59 No 634)

Sutherano Ramaswamy Talaver
Zemindar of Talaveracottah
in the District of Tinnevelly
died on the 7th July last,
and the parties who bring
forward their claims &c.
Succeed. are

1. The alleged son of the
deceased by the 1st wife — Ramaswamy Sutherano Talaver
2. The son by the 2nd wife — Ramaswamy Pandia Talaver
3. The younger brother of — Sutherim Valumgapooly Talaver
the deceased-

The Board have recognized
the claims of the 3rd who
is now in possession and
management of the Estate.

2 The 1st Claimant
urges his claim on the
strength of his being the son
of

of the deceased by the 1st wife.
Inh to from the evidence
brought forward by the 2nd
& 3rd Claimants it appears
to have been proved that
the 1st wife was put away
for misconduct, and was
married at her mother's
house a second time to
another person, and that
the 1st Claimant is not the
son of the deceased at all.
The Vakeel on behalf of the
1st Claimant admits that
his client was born at his
Grand mothers house, but
states that his mother was
5. or 6. months in the family way
when she left the house of
deceased.

3. The 2nd Claimant states
that on the 1st wife having
been sent back to her own
home, the deceased
married claimants mother
and that consequently
he is the legitimate heir
of the Estate. The evidence
adduced to refute this goes to
prove that the mother of the
2nd Claimant was not married
to the deceased but was kept
by him as a Concubine, and
that being of a different and
lower caste no marriage could
have been solemnized -
The Vakeel produces an Urzee
written by the deceased to the
Collector in which, he says, it
is clearly stated that the
2nd wife was lawfully married.

4. The 3rd Claimant builds
his claim on the fact of his
being the youngest brother of
the deceased, and considers
that as his brother died without
legitimate male issue, he
is the proper person to succeed.
He also produces a Yadast.
which he states was written
signed by the deceased, and
by which the management
of the Estate is relinquished
in his favor -

5. The Right Hon.ble the
Governor in Council sees
no reason to disturb

The decision passed
by the Board in favor of Sutherawa Valangaporty
& the other Claimant Tabaren Gounapoo brother of the
late Lemendar, -

are dissatisfied, they
must prosecute their
Claims in the Civil
Courts -

K.C.

3 Copies to the Collector Dated 25th
with Enclos
in Mr Depr. Secy -

16th March 1822

Revenue 1859 Septr.
D.to Cons.: 1st April

No. 394.

61-2
30-8-36
12-3
4-2-51

Extract Mins of Cons:
D.d 24th March 59.

Confirming the decision passed by the Bd recognizing the claims to the Estate of the deceased Zemindar of Thalavencottah Tinnevelly of Sutherum Valungapooly Talaven the Younger brother.

No 15 & 16.