M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1259 Press / Mis.

347-357

Dated 28-7- 1869.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 28th July 1860.

Read the following Petitions :—

No. 347. From VALLI AMMÁL, widow of the late Srotriyamdár of Palayanúr, in Chingleput.

Submits the endorsements of the Board of Revenue whereby one Sundaramúrti was recognized as the adopted son of her late husband and as such put in possession of the Srotriyam villages of the deceased. Remonstrates against this proceeding and prays for Orders to cancel the endorsement of the Board. (Here enter 25th May 1860, No. 1,628.)

No. 348. From VALLI AMMÁL, widow of the late Srotriyamdár of Palayanúr, in Chingleput.

A repetition of the above. (Here enter 24th May 1860, No. 1,685.)

No. 349. From RAGAVAIENGÁR and others, Mirásdárs of the villages of Palayanúr, &c.

Bringing to the notice of Government that by the decision of the Board of Revenue in the case of the succession to certain Srotriyam villages in the Karunguli Táluq of Madras District, there will be an annual loss to Government of 4,000 Rupees. State their opinion in favor of the claims of Valli Ammál, widow of the late Srotriyamdár to succeed in the possession of the said villages, in preference to one Sundaramúrti Mudali who claims to be the adopted son of the deceased. (Here enter 1st June 1860, No. 1,702.)

No. 350. From VALLI AMMÁL.

Enclosing "true copies" of certain documents which favor her right to succeed to the Srotriyam villages belonging to her late husband. (Here enter 22nd June 1860, No. 1,832.)

No. 351. ORDER THEREON, 28th July 1860, No. 1,259.

1. These petitions relate to a claim made by one Valli Ammál as widow of the last holder, to succeed to the Srotriyam villages of Palayanúr, Kolambákam, Kilavalam and Yerupakam in the Karunguli, now Madaráutakam, Táluq of the Madras District.

2. The Srotriyam was conferred on one Tánappa Mudali for three lives, including his own. He left no issue, but had adopted a son Kumáraswámi Mudali, who succeeded as the second life. This Kumáraswámi too, died without issue, but he left a nephew (sister's son) Sundaramúrti Mudali whom it seems he wished to be his heir. No adoption appears to have taken place, it was pleaded only by Sundaramúrti Mudali that he had been taken as "Abimána puttiran," son by affection, not formally and legally adopted. Kumáraswámi also left a will in his favor.

3. The claim of Sundaramúrti was contested by the present Petitioner Valli Ammál, widow of Kumáraswámi Mudali. She urged that he had not been adopted, and she stated legal reasons why he could not be adopted; viz., that he was an only son, and that he was married. She argued therefore that he could not succeed by the right of adoption; and that he could not inherit by blood relationship, because Kumáraswámi, having been adopted by Tánappa Mudali, had no heritable blood in common with his own family. She therefore urged her prior right as widow of Kumáraswámi.

4. The Board of Revenue gave the Srotriyam to Sundaramúrti; but their order assigns no reasons for the judgment. The widow now appeals to the Government. It appears that there are no other representatives of either Tánappa Mudali, or Kumáraswámi Mudali, besides the present disputants.

5. As their order cannot be final, the Government decline to disturb the possession of Sundaramúrti Mudali; but they grant Valli Ammál permission under Section 2, Regulation IV of 1831 to sue in the Courts for the recovery of the villages.

6. The Government must observe that it will be much better that in such cases of doubt the Board should report the matter to Government for Orders instead of themselves passing a decision and giving it effect. The latter course is both embarrassing to the Government and may cause inconvenience and injustice to parties.

7. This Order will be communicated to the Board of Revenue for their information and guidance, and for communication to the parties.

(Signed) J. D. BOURDILLON,
Secretary to Government.

True Copy

To The Honorable the President & Members
of the Board of Revenue -

No 521

Vz. Vz. Vz.

20/2/60. received

received 20/2. 60

The humble Petition of Vellevoyde
gammall, Widow of Comarasawmy
Moodelly, Shotreemdar of Palcaneire
and other Villages in the Talook of
Caroongoly Zillah of Chengleput -

Respectfully Sheweth;

That being dissatisfied with
Your Honorable Board's order on her late Petition
No 3887 of 1859 Regarding her Claim to succeed
her late husband Comarasawmy Moodelly in the
enjoyment of the Shotreum Villages granted to
Tanappa Moodelly Petitioner begs most humbly
and respectfully to submit the following fresh
points in View, that on a Reconsideration of the
whole matter, Your Board will be pleased to
Cancel the instructions issued to the Collector

Petitioner humbly takes the Liberty of
stating that there appears to be a mis apprehension
of the Case - Your Board are pleased to State in Your
endorsement that Soondara Moorthy is the sole surviving
member of Tanappa Moodelly's family - There is no
Connection, or Relationship between Tanappa Moodelly
family and the said Soondara Moorthy - The Original
Shotreemdar had no heirs whatever male or female
Close or distant - Were Comarasawmy Moodelly Related
to him there would have been no necessity to adopt
him he would have Succeeded him as his heir -
in the enjoyment of his estates Comarasawmy Being
being no ways Connected with him his whose Elder

Son

Son — Soondara Moorthy Cannot be Connected with
Tanappa Moodeley's family —

2 —— No adoption of Soondara Moorthy took place — to this point would Petitioner most Respectfully ask your particular attention for the alleged will he is only stated to be the "Abhemana Pootra" son of affection — Being the only son he could not be adopted, as his father would not part with him even as an Abhemana Pootra — If even an adoption was made at the time Specified, it would be illegal from his being a married man, having Children and 36 years of age. — In an instance of the same kind the Court of Sudder adalut in appeal Suit No 7 of 1823 Pages 405 — 412 — last Clause declared that "having very maturely Considered this Case are fully of opinion that the adoption of the Appellant after his marriage is illegal under the Rules and Restrictions of Hindoo law; and that the Will — is a mere nullity and of no legal force or effect whatever" This decision was passed in a Case where both parties were Indian — Besides such an adoption is Contrary to C. C. of the 29th September 1831 Vol II Page 37 — In that Order adoptions of this Nature are set down as invalid and opposed to Hindoo law —

3 —— Soondara Moorthy Claimed to be the "Abhemana Pootra" son of affection, as may be seen from No 4 of the Enclosures of the Collectors Report. The Will and the deed of "Abhemana Pootra" are both dated the 4th August, and Petitioners husband died on the 12th of the same month — For a month previous to his death he was in a State of [illegible] indescribable and utterly unconscious — Being a man of some Consideration and influence many of the Villagers and of his Relations and friends were

were in the habit of visiting him and trying to get
him to converse with them, but nothing that they could
do aroused him from his state of Coma. Whilst
in such a state how could he be capable of doing
or saying any things? or how could he compose his
mind to attend to aught connected with his affairs

4 Having no adoption to claim, moreover
that of being "Abhimana Putra" he could not
nor dare not to perform the funeral obsequies
without Petitioners permission without her giving
him license by deputing him with a Darbha Thana
This was done in the presence of a large multitude
all of whom will bear testimony, as the fact, moreover,
Petitioner had to perform the Monthly Ceremonies hereby

5 Both the documents on which Soondara
Moorthy claims to be the Abhimana Putra were
forged by him and his Relations. No evidence
was taken to prove the Will, excepting that of the
attesting Witnesses, who from being Soondara Moorthy's
near Relations, are interested in upholding him and
their testimony is unworthy of Credit. The Collector
in both of his Reports, questions the genuineness
of the documents. Were they genuine they would
have been executed long before the death of Petitioners
husband and attested by some of the principal
men of the Kottaiur Villages. The Rule requiring
six Months notice previous to adoption must
have been known to Comaracshawmy Moodelly, as
for the most part of his time he lived at Tanjore,
and was constantly in the Company of the Vakeels
who abound in that locality, and it is impossible
to believe that he could have been ignorant, under
the Circumstances of a point of so much importance

y

of he had any intention of constituting Soondara Moorthy his Athimana Pookra - Further Petitioner's husband did not die suddenly, nor was he taken unaware - For months and months previous to his decease, he was subject to various diseases, and he knew, as also was evident to every one acquainted with him, that his Constitution was undermined completely and that it was decaying, slowly but surely - Under such circumstances it does not stand to reason that, he would procastinate the execution of documents of so much Vital importance -

Immediately on the death of her husband she addressed the Collector requesting to register her name for the Shotrium - Subsequently Soondara Moorthy and others taking advantage of Petitioner being an ignorant woman brought a paper to her said to be a letter and desired her to sign it, she accordingly did - Soon after Petitioner came to understand that the paper signed by her was an Arzee to the effect that the Shotrium Villages to be registered in the joint names of Petitioner and Soondara Moorthy, She made an Arzee to the Tahsildar on the 8th July 1859; Representing that she had been deceived by the said Soondara Moorthy - This step he would never have taken were it not that he was Conscious of the untenable nature of his Claims - knowing his weakness he sought to impede on Petitioner - Another point to which Petitioner solicits your Board's attention is the delay, the unwillingness of Soondara Moorthy to produce the alleged Will on the first occasion when required - If the Reason assigned by him in the first instance; Viz: that the Will contained matters of family nature to which he did not wish

to

to respect the public is to be taken as the true one,
the same one would stand good for ever afterwards.
Why then was it produced on a subsequent occasion?
The alleged Bill was every thing in his favor every thing
to his advantage & to the disadvantage of Petitioner. Why then was it not
submitted at once? Not that he felt any delicacy
with regard to Petitioner's Character, but because
he did not feel sufficient Confidence at the time as
to the Result of the enquiry then about being instituted.
On the second occasion he felt no squeamishness
with Reference to Petitioner's Character and did
not hesitate to Stigmatize her. She is said
to be an adulteress, an assertion which can be proved
to be wholly and grossly false without the least shadow
of a doubt. That the Cause of seperation between
her self and husband was not owing to any thing
Culpable on her part is a fact patent to all the
Villagers of the Pettiam. Her husband was
unfortunately a Debauchee and acquired
in consequence Various Complicated diseases
Moreover he clapped with a Brahmin Woman
while her husband was living, brought her into
his house Kept her as his Mistress and treated
Petitioner most cruelly. Consequently she was
Compelled to leave her husband's protection and
lived partly with her own Mother, and partly with her
husband's Brother.

7 That her Character is unimpeachable
each and all of the inhabitants of the Several Villages
of the Pettiam and head men of her Caste Can
testify.

8 The fact of her late husband having
been an abandoned Character is proved from
the Circumstances that he died from "Secondary
Syphilis" He was so Completely blotched over
with Ulcers that he Could not turn over
of his own account from one side to the other,
nor Could he swallow his foods. None Petitioner
the

the indifferent Character, for otherwise reasons she is Represented to be her husband would have divorced her, and would have attended to the usual proceedings by performing her funeral Ceremonies as tho she were dead - But he knew that Petitioner gave him no grounds to suspect her and the foul Stigma now sought to be attached to her Character is solely thro the evil designs of the unscrupulous Soondara Moorthy - Were there the smallest ground of truth in all the aspersions cast upon her the 10 Rupees per mensem would not have been left her, as per alleged Will nor would Soondara Moorthy have sought to become Reconciled with her receive the Dharba from her before a large Institution of his and her Relatives and Villagers of the Shotrums.

With Reference to the foregoing Statement of facts, Petitioner would Recapitulate the principal points -

I- Soondara Moorthy is in no ways Connected with Tanappa's family -

II He is the Son of the Sister of Comara Sawmy Moodelly who from his adoption by Tanappa Moodelly discovered his Connection with the family of his Natural father -

III Soondara Moorthy was never adopted by Comara Sawmy Moodelly - an even if he was adopted the adoption would be illegal, from his being an only Son, a Married Man and 36 years of age - and begotten with Children -

IV The alleged Will is Clearly a forged one and he Can produce no proofs to shew that he was ever Recognized as the Athimana Pootra - He was not the Athimana Pootra of the deceased -

I The Will and the exception as declared by the Sudr Court, in a Case of a similar nature (in Appeal Suit No 782 of 1825) to the effect "of force" or "legal effect"

VII The Recognition of parties succeeding to Shotriums as Abhimana Pootra under the Circumstances afore given, is Contrary to the Decrees of the Sudr adalut and C. C. of 29th Sept. 1851 Vol. II page 37

VIII The execution of the Deed of Abhimana Pootra just 8 days before her death by Comatta Sawmy Moodely is Contrary to C. C. of the 16th July 1846 — This Circular was issued to prevent fraud, and the Recognition of the Deed would subvert the main object of that Order

VIII Petitioner is the only heir to her husband now living and is therefore entitled to succeed to the Shotrieum as 3d life

Petitioner therefore most humbly solicits Your honorable Board to take her Case in to favorable Reconsideration, and pass orders directing the Shotrieum to be placed under Circar management and after a through enquiry to Cause it to be Registered in her name, as has been done in innumerable instances in which the Claims of Widows have been Recognized by Government when they were the only the legal heirs

And Petitioner as in duty bounds will ever pray

Madras
20th February 1860

No 21 of 1860

From Vellinaichammah
Widow of the late Comara
Sawmy Moodelly Shrotriem
dar of Pallianur and
other Villages in Carringal
Taloop in the Zillah of
Chingleput

Dated 20th
Rec'd 20th } February 1860

With

Complaining against the
order of the Board dated 24th
Octr 1859 No 4305 and 13th
January 1860 No 388. for the
following Reasons the
Board Subject on the grounds
that Petitioner had abandoned
company her husband whereas
the Reason is by his keeping
a Bramin Woman and not
from his family entirely
as mentioned in Para 6
Soondara Moorthy Moodelly
not being a Member of the
Family as stated in Para 2
and Soondara Moorthy Mudelly
was taken 8 years before
her husband's death as in
Para 2 so adoption of
this Nature has ever been
taken place or approved
by any authority as in the
Para 2 & Prays the
Board to take into their
due Consideration all the
Reasons assigned therein
and grant the Shotriem
Villages to her as legal heir

R 1543/60

To

His Excellency Sir Charles Trevelyan K.C.B.

Governor of Fort St.te George.

&c &c &c

The humble petition of

the undersigned Merasidars of

the villages of Polyanoor &c.a.

Carangooly Taluq. in the Dis-

trict of Madras.

Most humbly Sheweth,

That it is obligatory on

all to inform the Government of any loss

liable to be incurred by it in any quarter,

in the Petitioners avail ourselves of an

unjust act done by the Board by which

a heavy loss will be sustained every year

by the Government (and presume to present

this petition to the kind perusal and serious

consideration of your Excellency in Council

with the expectation (and confidence that

strict justice will be dealt us.

That

2. That the Government granted in 1820 Palayamoor and three other Villages capable of yielding a large assessment as Shrotriums to Thamappah Moodelly for three generations on condition of his paying to the Government a Small rental for those villages.

3. That the said Shrotriums was enjoyed first by Thamappah Moodelly and after him by his adopted Son Coomara Sawmy Mood[y] who died in August 1858. leaving no other heir to the Shrotriums than his surviving widow.

4. That soon after the death of Coomarasawmy Mood[y], the Shrotriums in question was sequested to the Collector and remained there for a time. But an order was issued by the Board of Revenue on the 24th October 1859 to give it to one Soondra Moorthy Moodelly who is not a legal heir to the deceased Coomarasawmy Moodelly

and

and after him to his descendants to be perpetually enjoyed on condition of their paying a yearly rent of 3,000 Rupees.

5. That when at first Soundaroorthi personally appeared before the Collector as heir of the deceased, the Collector made the necessary inquiries and submitted a report to the Revenue Board stating that his claims were not just and the Shrotriums should be resumed by the Government after making some arrangements as regards the maintenance of the surviving widow. This first report of the Collector is in accordance with justice. But his second report to the Revenue Board in answer to the question proposed by that tribunal contradicts the first and is therefore against what is right. He states in it that Soundaroorthi hood is the only surviving heir in the family of the deceased and that the Shrotriums should be given to him. Without giving a detail of the

private

private correspondence between the Collector and the Revenue Board, Your petitioners shall be content with noticing the chief points of their case in the following lines.

6. In the order of the Revenue Board dated 24th October 1859 it was stated that Soondramoorthie Moodelly, being the Abhamanum (foster son) and sister's son of the deceased Coomarasawmy Moodilly, is the proper heir of the deceased. But the petitioners beg to show that Coomara Sawmy Moodelly had no sister, by referring to the fact that Thannappah Moodelly adopted Coomarasawmy Moodelly as his son, because he had no issue male or female, that Your Excellency would not have hitherto come across such a plainly erroneous case as this; & that even agreeing to the statement of the Revenue Board, the Abhimana puthren (foster son) or sister's son is according to Hindu Law authorized to be an heir of a person to ascertain which,

Your

Your Excellency may refer this case to the Pundits or the Judge, who have a thorough knowledge of Hindu Law, of Sudr Udaulet. Moreover it is stated in the Sham Rules enacted by the Government that only the son of a brother of undivided family, or a Cousin, can be adopted as Son.

7. Thus the Board instead of looking after the interest of the Government have, by their proceedings, made the Government to incur an annual loss of 4000 Rupees (excluding the annual Kist) reckoning at the rate of the present income of the villages.

8. That your Excellency's petitioners being quite unwilling to have the Shrotrium granted to an unrightful person from whom they are likely to receive some injury, Consequently they most humbly crave Your Excellency to reverse the decision of the Board and annex the Shrotrium to the Government and thus realize the humble expectations of Your ever obedient petitioners.

petitioners.

For which act of kindness and benevolence, Your Excellency's petitioners, as in duty bound,

Shall Ever Pray

1st June 1860. Palyamcottah

[illegible Tamil signatures]

ஆ-வெங்கடாசல முதலி

[illegible Tamil signatures]

monce

Revenue 1860 Sept 6th

~~No 102 of 1860~~ No. 1544

From Mr Raganien gar, & Rengengar & others Mirasidars of the Village of Paliyamúr & Caramguly Taalluk in the District of Madras—

Dated 1st June—

Rec'd 2~~4~~ June 1860—

Bringing to the notice of Government that by the decision of the Bd of Revenue in the case of the succession to certain Pottriyam villages in the Karumgully Taluq of Madras Dist. there will be an annual loss of 4000 Rs.

No. 1259 - 28th July

State their opinion in favor of the claim of Valli Ammál, widow of the late Pottriyamdar, to succeed in the possession of the said villages, in preference to one Sundramúrthi Mudali who claims to be the adopted son of the deceased.

Transferred to the Chief Secretary

Byrden

Examined.

Private Secy

Gn Atkinson

7 June 60

No. 349

Q. 11 July 0617

True Copy

To

The President and Members of the

Board of Revenue

Fort Saint George

3887
Sgd. 15/12/59

The humble Petition of Vullenayaumm Ammal widow of the late Coomarasawmi Moodily Shotradar of Palayanoor and other Villages in the Caroongoly Taluq Zillah of Chingleput.

Sheweth

That the above villages had been granted by Government as Shotriam to Petitioners Father-in-law, Thamppah Moodely as remuneration for the services he rendered to the State for three lives at a rent of 1000 Rs per annum and to be continued to the family should the last Successor leave an Heir at a rent of 3000 Rupees per annum. Thamppah Moodeli having died issueless Petitioner's husband the late Comarasawmi Moodely (a distant relative but no cousin) was adopted as his Son and Heir with the usual cere-

monies

monies necessary for the occasion.
Comaraswamie Moodely has neither brothers
nor Sisters in the adoptive family and
he also died issueless as his adoptive
father leaving no Heir whatever behind
him save the Petitioner his widow, who
performed his funeral rites as required
by the Hindoo Law, and who is the only
person entitled in law to succeed him
in the Shotrium.

2. That soon after the Melancholy
event of Comaraswamie Moodely's death
Petitioner his widow addressed the
Collector of the district informing him
of the Calamity that befell Petitioner
and requesting him to grant the
Shotrium in her name as the Sole
heir and Successor to the deceased.

3. That while this application
of your Petitioner was pending one Soond-
rasoorthy Moodely who called himself
the nephew or Sister's Son of Petitioner's
husband put forth a claim to the
Shotrium by the alleged right of his being
the

the Abhimanam or foster Son of the deceased Coomara Sawmy Moodely a Pl claim that was never thoroughly investigated but which nevertheless appears to have been erroneously received and accepted by the Collector and Your Board as legal; and Petitioner further understands that your Board have issued orders for conferring the Shotriem on him.

4 That the above being the facts of the case your Petitioner begs leave to show hereunder her Grounds of objection and prays that her case may be re-considered.

First. The said Soondraramurthy Moodely does not call himself the adopted Son of the deceased but only his Abhimanam or foster Son. The Hindu Law recognizes no such Son for this age. The only Sons now in vogue are the Son of the body and the Son by formal adoption and Soondraramoorthy is none of these. He can therefore have no claims whatever to the Shotriem as heir to the last incumbent. Moreover he was the eldest and only Son

to

to his father and has even performed the funeral ceremonies to his mother and was married and begotten children and therefore unfit to be adopted or fostered as a Son by another.

Secondly. Soondramoorthy Moodely cannot even be considered as belonging to the family of Coomarasawmy Moodely and his next of kin. For though the former calls himself the nephew or Sisters Son of the latter your Board will perceive on enquiry that Comarasawmi Moodely having been adopted by Shanuppah Moodely has no brother or Sister in the adoptive family and though he has a Sister in his natural family yet by his estrangement from that family his relationship to her ceases and Soondramoorthy Moodely cannot therefore be his nephew. Moreover Sisters and Sisters' Sons are not in the line of heirs so that considering the matter in whichever light Soondramoorthy Moodely's right to represent Coomarasawmy Moodely falls to the ground.

Thirdly The claim of Soondra Moorthy

Moodely however it may be received being thus disposed of as untenable Your Board will perceive that the only legal Heir left is your Petitioner the widow whose right no body could dispute. Your Board will also perceive from the several clauses to Section V of the rules for the adjudication and Settlement of Inam Lands that succession is limited to direct lineal heirs and that even formal adoption except out of the family of an undivided brother or Cousin is not recognized. How then came Poondramurthy Moodely to have any claim at all?

5 In his original communication to your Board in the month of May the collector observed that the report of the Tasildar shewed that Poondramurthy was Coomarasawmi Moodely's foster Son and even taking it to be such which however had been objected to he said that it could confer on him no claim to inheritance. He therefore recommended the resumption of the Shotriem. In their answer to this your Board remarked

as a determined fact that Coma-
rasawmi Moodely dis not formally
adopt his nephew and calles for certain
information. In the second report
from the Collector in the month
of September he observes that by
reason of Soondramurthy Moodely's
marriage and having children before
the alleged adoption which in Law
invalidates the adoption he was
not inclined to put any faith in the
validity of such adoption. And most
strange it is that after perusing
such remarks your Board thought
it proper in their proceedings of the
24th October to call Soondramurthy
nephew and adopted Son and as heir
and Successor in preference to your
petitioner the widow of Coomara Sawmi
Moodely. A Will is talked of as
having been executed by the late Coma-
rasawmy Moodely in favour of Soondra-
murthy Moodly but your Board will see that
this Will has not been produced and
proved at the proper time because he
wanted to gain time and get up a Will
to suit his interests and even if produced

as it was subsequently id could have no force in Law inasmuch as the succession states to be pointed out therein is supposed to the principles of Hindu Law.

6 That though the Collector erroneously calls Soonsamurthy Moodely as one of the family of Thamuppah Moodely the original Guarantee yet your Board will perceive that it is not a fact inasmuch as Coomaraswamy Moodely himself a stranger was only adopted son of Thamuppah Moodely's the former's natural sister and that sisters son could never be said therefore to be of the family of Thamuppah Moodely. Your Petitioner further begs to remark that she presented an Urgee to the Tasildar on the 8th July last containing all the above particulars but no notice whatever was taken of it.

7 Under these circumstances your Petitioner most humbly prays that your Board will kindly peruse the above and referring particularly Strangers Manual of Hindu Law under the heads of adoption and succession wherein the law applicable to this case is clearly laid down your Board will cause

a more Searching enquiry into the
matter which your Petitioner fels no
doubt will end in the cancellation of
your Board's order in favour of Soundra-
morthy Moodely and in the acknowledgement
of Petitioner's claim and the bestowal of the bestowal
of the Shotriem on her.

For which act of justice
and benevolence your humble Petitioner
as in duty bound shall ever Pray.

Madras
15th December
1859

put in possession
of the said Villages

As sole surviving male
member of the family
of Thamoppa Moodely
the original Grantee
& as Nephew and adopted
Son of Commarasawmy
Moodely the Board have
recognized Soondrasawmy
as successor to the
Shotrium — the prayer
of the Petitioner cannot therefore
be complied with. —

Revenue Board Office
Fort St. George
13th January 1860

Pl. 1543/60
Byorder

Signed W. Hudleston
Sub. Secretary.

Enr. No. 1886/1860
No. 3887 of 1859

From Vallinaikkum
Annual income of the
late Commarasawmy
Moodely Shotriendar
of Valayapatti and other
Villages in Canjeiry
Taluq in the Zillah of
Chingleput Dated 15th
& Recd 15th December
1859 Enr No. 521/60

Objecting to
the Board's order Confirming
the Shotrium of her late
husband on one Soon-
dramoorthy Moodely as
foster Son preferring
to her claims, praying
Reasons therein specified
that enquiry may be
instituted and the be-

non [illegible]

To

His Excellency Sir Charles Trevelyan K.C.B.
Governor of Madras
Fort St. George

The respectful Petition of Pulla Ammal
widow and legal representative of deceased
Comarasawmy Moodelliyar Shotrumdar of
Palayanoor in the Talooke of Caroongoly
Zillah Chingleput

Respectfully Sheweth

That your Excellency's Petitioner begs
most respectfully to lay before your Lordship her desperate Case
fully confident that justice will be rendered to her. That on the
decease of her husband Comarasawmy Moodelly Shotrumdar
of Pallianoor and other Villages without any issue She
petitioned the Collector of the District praying that the
Shotrumdy should be registered in her name being the legal heir
and entitled to all his rights according to Hindoo Law but
One by name Soondara Moorthee Moodelly who is not connected
with them in relationship as to succeed the Shotrumdy in question
presented an assumed petition to the Collector stating falsely
that he has been adopted by the deceased as Adhemana Puthiloo
or son of affection and that the Shotrumdy may be sanctioned
in his name. The Collector instituted an enquiry into the case
and submitted a Report thereon to the Board of Revenue
stating that the statement set forth by the Applicant Soondara
Moorthee Moodelly of his being Adopted is in no way to be
credited and that the said Shotrumdy should be reverted to
Government and that a life maintenance be awarded to Your
Excellency's Petitioner and the Board of Revenue proposed
some queries touching the point of Adoption and forwarded them
to the Collector for explanation. The Collector made a
second Report to the Board of Revenue giving as his
opinion from a proper investigation of the Case that the
marriage of Soondara Moorthee Moodelly took place some
time before he is alleged to have been Adopted by the deceased

That

that the supposed Adoption cannot therefore be trusted in any degree and that he is only connected with the family of the deceased The Board of Revenue without noticing the statements contained in the first Report of the Collector adhered to a single point which embraced a part of the second Report that Soondara Moorthee Moodelly is only connected with the family and sanctioned the Shetrium in the name of Soondara Moorthee Moodelly.

That Your Excellency's Petitioner presented two Petitions to the Board of Revenue one in May 1859 and the other in February 1860 giving in detail that her deceased husband had not adopted Soondara Moorthee Moodelly that all the funeral ceremonies of her husband have been performed under her permission and knowledge that Soondara Moorthee Moodelly is the Only one son to his father and a married man that the Collector of the District having Altered in his petition the very word of his being Adopted as Abbemana Putra or son of Affection substituted for it that Soondara Moorthee Moodelly was legally adopted by the deceased Cumaraswamy Moodelly and has been connected with the family With a view of supporting his false case and that the Attempt on the part of the Authority to entitle Soondara Moorthy Moodelly to the rights and privileges to which he has nothing to Claim is opposed to Hindoo Law and to the usage of the Country but without effect for the Board of Revenue admitted the Statement in the second Report of the Collector that Soondara Moorthy Moodelly is connected with the family and passed an endorsement thereon that Your Excellencys Petitioners husband was adopted by the original Shetriandar Thanappa Moodelly And that Soondara Moorthee Moodelly is nearly connected with the family in the degree of Consanguinity that in the event of the genuineness or Otherwise of the Will filed by the said Soondara Moorthy Moodelly in second trial being objected to the Petitioner may be at liberty to prefer an Appeal against it in the Civil Court under the Order of Government

That it is evidently laid down in the Rules of Government and in the Dirma Sastras to the effect that where an Adoption is made the Adopted son should come within the degree of Cousinship or of such near Relationship as would entitle him to that rights besides there exists a great difference between the sons Adopted and Chosen as Abbemana

Putra,

Pulna but the Collector without Observing the above Rules &c
in the case of Your Excellency's Petitioner submitted to the
Board of Revenue two Reports which are inconsistent
with each other in which upon the Board of Revenue
concurred and passed a decision thereon to the direct
contradiction of the Rules &c which have been hitherto
observable in the numerous cases of this nature.

Your Excellency's Petitioner most respectfully and submissively solicits Your Excellency will kindly be pleased to take into Your Excellency's kind Consideration the incongruity of the Reports submitted on this case to the Board of Revenue the false statements put forth by Soondara Moorthy Moodelly during the first and second trial held regarding the forged Will and the unjust endorsement passed in this case by the Board of Revenue together with the circumstances that Soondara Moorthy Moodelly being the Only son to his father and married he is in no way entitled to be adopted by the deceased Comarasawmy Moodelly and the two endorsed Petitions presented to the Board of Revenue and Effect Your Excellency's Petitioner redress by cancelling the illegal & unauthorized adoption of Soondara Moorthy Moodelly and Conferring the Shotrium on the legal heir and representative of the deceased Comarasawmy Moodelly who died without issue and who is prohibited under the rules and instruction of Hindoo Law to adopt any one who does not come within the degree of relationship

For which Your Petitioner as in duty bound shall Ever pray.

Madras
24th May 1860

Revenue 1860 Depart
№ 1685 / 1860 / 1543

From Vulle Ummall
widow and legal re-
presentative of late
Cumarasawmy Mudale
Shetriamdar of Balaya
nur in Karungaly
Taluq Chinglepat —

Rec 25 May 1860

With 2 enclosures

A repetition of
Petition No. 1628
of 1860

No
31, 9-346-0
350

No 1759 - 28th July —

11 July 1860

No. 1259

Proceedings of the Madras Government
Under date the 28th July 1860.
Read the following
Petitions.

From Valli Ammal widow of the late Shrotriamdar of Palayamur in Chingleput. Submits the endorsements of the Bd of Rev whereby one Sundara Murti was recognized as the adopted son of her late husband and as such put in possession of the Shrotrium villages of the deceased. Remonstrates against this Proceeding and prays for orders to cancel the endorsement of the Bd.	Dr Rangandar	Here under 25th May 1860 No 1628
From — Dr Petition of the above		Do 24th Do — " 1685
From Rajaviengar & others Mirasidars of the Villages of Palayamur &c. Bringing to the notice of Govt that by the decision of the Board of Revenue in the case of the succession to certain Shrotrium villages in the Karmeguli Taluq of Madras it is to there will be an annual loss to Govt of 4000 Rs. State their opinion in favor of the claims of Valli Ammal widow of the late Shrotriamdar to succeed in the possession of the said Villages, in preference to one Sundramurthi Mudali who claims to be the adopted son of the deceased.	Mirasdars	Do 1st June " " 1702
From Valli Ammal. Enclosing "true copies" of certain documents which favor her right to succeed to the Shrotrium villages belonging to her late husband.		Do 22d Do — " 1832
		These petitions relate to claims made by one Valli Ammal

annual as widow of the last
holder, to succeed to the shrotriam
villages of Palayanmir, Nolambáttam,
Nilavalam and Gerupattam
in the Karumgali, now
Madavantattam, taluq of
the Madras District.

2 The shrotriam was
conferred on one Sámarája
Mudali for three lives, in-
cluding his own. He left
no issue, but had adopted
a son Coomarasawmy
Mudali, who succeeded
as the second life. His
Coomarasawmy too,
died without issue,
but he left a nephew
(sister's son) Sundraramier.
this Mudali whom it seems
he wished to be his heir.
No adoption appears to
have taken place, it was
pleaded only by Sundra-
Murthi Mudali that
he had been taken as
"abimana puttiran,"
son by affection, not formally
and legally adopted.

Palayanmir

Kumarasawmy

Sundaram

Coomarasawmy also
left a will in his favor.
3. The claim of Sundra
murthi was contested
by the present Petitioner
Valiammál widow of Coo
-márasawmy Mudali.
She urged that he had
not been adopted, and
she stated legal reasons
why he could not be
adopted, viz that he was
an only son, and that
he was married. She
argued therefore that he
could not succeed by the
right of adoption: and
that he could not inherit
by blood relationship,
because Coomárasaw-
my, having been adopted
by Tannappa Mudali
had no heritable blood
in common with his
own family. She there-
fore urged her prior
right as widow of
Coomárasawmy

4. The Bd of Rev. gave the decision to Sundra murthi; but their order assigns no reasons ~~but~~ for the judgment. The widow now appeals to the Govt. It appears that there are no other representatives of either Tannappa Mudali or Coomarasamy Mudali, besides the present disputants.

5. As their order is cannot be final, the Govt decline to disturb the possession of Sundra murthi Mudali, but they grant Valliammal permission under Section II Regulation IV of 1831 to sue in the Courts for the recovery of the villages.

6. The Govt must observe that it will be much better that in such cases of doubt the Bd would report the matter

matter to Govt. for orders instead of themselves passing a decision and giving it effect. The latter course is both embarrassing to the Govt. & may cause inconvenience and injustice to parties.

7. This order will be communicated to the Bd. of Rev. for their information and guidance, and for communication to the parties.

12 Copies
To
The Board of Revenue — Disp. 30
1 — Govt Dep. with 4 Rigt. Pr. & Encls.
S

2-7-821

1-2-821

16726

Shrotriam Villages of
Palcyarur &c in Madras
District

Revenue 1860 Departt.
Pro: of Govt for July.

No 1259.

Pro: of the Madras Govt.
Dy 28 July 1860.

Cn. of the 13th of Sept 15th
August 1860. & Ltr 1739. in Proc.
28th August No 1462

Passing orders on the
Petitions relating to a claim
of one Valli ammal to succeed
to certain Shotriyam Villages
in Karunguli Taluq, Distt.
Madras.

No 347 at 351.

Nos 347 to 350. were transferred
to Petition Deptt.
Recd 7th Nov 81. Pet. No
2217 of 80