M.R.O. 14—10,000—21-1-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1503 Press ~~Mis.~~

32-33

Dated 3—9— 1860.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 3rd September 1860.

No. 32. Read the following Proceedings of the Board of Revenue, dated 1st September 1860, No. 3,995 :—

Read letter from the Collector of Madura, dated 23rd August 1860, No. 174.

(In Cons., 29th August 1860, No. 4,261.)

In Cons., 1*st April* 1856, *A. after No.* 990.

1. In his letter dated 17th March 1856, Mr. Parker, the Collector of Madura, reported the institution of a Suit* in the Civil Court of that District by Coonjara Natchyar and her daughter Mungaleshwara Natchyar against Purvada Vurdani Natchyar Saitoopaty, Zamíndárni of Ramnad, with the view of being recognized as heiress of the latter, of preventing waste of the Zamíndári and Estate, and of obtaining an allowance for her support.

**No.* 3 *of* 1856.

Plaintiffs.	*Defendants.*
1. *Coonjara Natchyar Ranee.*	1. *Purvada Vurdani Natchyar.*
2. *Mangalaiswary Natchyar.*	*Supplemental Do.*
	2. *Sevasami Taver.*
	3. *Villyanen, Private of the 6th Company, 1st Veteran Battalion, General No.* 2,888.
	4. *Vejaia Ragoonada Ramasawmy Taver.*
	5. *Mootoo Ramalinga Taver.*
	6. *V. H. Levinge, Esq., Collector of Madura.*

2. The Board requested the opinion of the Government Pleader, Mr. J. B. Norton, as to the course to be adopted by Government with reference to this Suit, to which it had not been made a party, and were advised by that gentleman that the Sudr had ruled in a parellel case that Government could not claim to be made a party to a Suit of this description because whatever future rights it might possess, it had none at the time and that consequently the only course open was to instruct the Collector to watch the proceedings of the parties, with a view to prevent collusion between them and to see that the proper defence was placed on record and proved by regular and sufficient testimony.

From Government Pleader, 3*rd in Consultation*, 3*rd April* 1856, *No.* 1,111.

3. Instructions to this effect were accordingly issued to the Collector, from whom no further communication on the subject has been received till now. In the letter recorded at the head of these proceedings, Mr. Levinge reports that the Civil Judge has by a Diary order directed Plaintiffs to include Government as a supplemental Defendant with certain others, on account of its reversionary claim to the Estate. 1st Plaintiff claims as one of the six widows of Mootoovezia Ragoonada Saitoopaty, usually called Annasawmy Saitoopaty.

Proceedings to Madura, 3*rd April* 1856, *No.* 975.

4. This Annasawmy was adopted by and succeeded Mungaleshwara Natchyar, to whom on the deposition of Mootoo Ramalinga Vizia Ragoonada Saitoopaty the Estate was granted afresh by Government. He was succeeded by his adopted son Ramasawmy Taver, who left two daughters, on whose demise, the present Zamíndárni, their mother, succeeded.

5. The present Zamíndárni resists the claim on the ground that 1st Plaintiff was not the wife but the concubine of Mootoovezia Ragoonada *alias* Annasawmy Saitoopaty, and that as such neither she nor her issue (2nd Plaintiff and the latter's son Vizia Ragoonada Taver, a minor) can succeed to the Estate.

6. The two important points at issue are, therefore, the question of fact, viz., whether Plaintiff was wife or concubine of Annasawmy and the question of law viz., whether, if proved to have been only his concubine she has any right of succession to the property.

7. The Collector has omitted to state what documentary evidence is put forward on either side in support and refutal of the first question. He is requested without delay to forward translations of such documents, and of any others on his records bearing on it. He

will also state whether the custom of the parties' caste, warrants the assertion that a concubine or her issue can succeed to the Estate.

8. The Board resolve to submit the Collector's letter to Government and to recommend that the defence of its interests be entrusted to Mr. Dale, to whom, in order to save time, they will at once send copies of Mr. Levinge's letter and its enclosures and also of the plaint. They do not deem it necessary on this occasion to notice the statements, &c., of the other co-defendants, as their bearing on the claim of Government will of course be considered by Mr. Dale, in framing his answer.

9. The time originally allowed for filing the answer was only one month from the 7th ultimo ; an extension, however, has since been granted which will expire on the 7th October.

(A true Extract.)

(Signed) J. D. SIM, *Secretary.*

No. 33. ORDER THEREON, 3rd September 1860, No. 1,503.

Ordered to be forwarded to the Government Pleader, who will advise the Government as to the course to be taken, and prepare such papers as he may consider necessary.

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

Copy in a Letter to Engd
of 26th January 1861 No 20.

2102 72 93

From Govt Pleader
28th September 60 No 2136
in Prov. 10th Oct No 1830

Further Prov. 12th October 60 } No 201 & 202 }

From Bd of Rev 14th May 60
No 1172 intro: 14th June 60
No 205

No 32 & 33.

Revenue 1860 Depart.
Pros: of Govt for 3rd September.
1857

Proceedings of the Board
of Revenue.

Dated 1st Sept 1860
Desp. 1
Rec. 3

Encs 3 - & letters with their respective Encs -
13 Encls. No 3995)

Mis. Pro. 25 Sept 60 -
No 20.

Requesting sanction for defending Suit 3 of 1856 instituted in the Civil Court of Madura and recommending that the Government Pleader be entrusted with it.

No 1503. 3. Sept.

Will an order

No 1503

ordered to be forwarded to the Government Pleader, who will advise the Government as to the course to be taken, and prepare such papers as he may consider necessary.

Fort St. Geo.
3rd Sept. 1860.

Copy to Govt Pleader with 13 Rigl Encls.
12 Encl — Bd of Rev No 3.

Immediate — 22 — 10
5 —
Transl —