M.R.O. 14—10,000—21-4-23

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 338	Press ~~Mis.~~
26-27	
Dated 2 — 3 — 1860.	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, for the month of March 1860.

No. 26. Read the following letter from J. R. BOYSON, Esq., Government Solicitor, Madras; to T. PYCROFT, Esq., Chief Secretary to Government; dated Madras, February 25th 1860, No. 153.

I have the honor to forward herewith a copy of a bill which has been filed on the Equity side of the Supreme Court by Visvanáda Duggit an infant by Rája Rám Tharavádi his uncle and next friend (plaintiff) against the Secretary of State in Council of India, Visvanáda Davé, Jagannáda Davé, Manakee Báyí and Rázu Báyí as Administratrix of the estate of Rám Kúrúr Báyí deceased (defendants).

2. The suit has relation to a charity established at Inávaram, many years since, by Rám Kúrúr Báyí, consisting of a pagoda Agráram and a charity choultry known as "Táker's choultry." For the support and maintenance of this charity, the founder appropriated certain landed property and a sum of 10,000 pagodas which was paid to the late East India Company, to run at interest at the rate of 800 pagodas per annum. A deed in respect of this deposit was executed by the East India Company and Rám Kúrúr Báyí and Ratná Báyi, providing (amongst other things) that the East India Company should pay the interest half yearly to Rám Kúrúr Báyí and Ratná Báyí during their joint lives, and to the survivor of them during her life; and after the death of such survivor to such person or persons as Rám Kúrúr Báyí and Ratná Báyí jointly during their lives should by any deed or deeds writing or writings appoint; and in default thereof as the survivor of them by any such deed or writing or by her last Will and Testament in writing or any writing in the nature of and purporting to be her last Will and Testament should appoint; and in default thereof to the next of kin and immediate personal representative or representatives of Rám Kúrúr Báyí and Ratná Báyí according to the law and customs of the Hindús.

3. On the 27th July 1824 another deed was executed between Ratná Báyí and Kávéri Báyí and Ambá Báyí the daughters of Visvanáda Táker (Ram Kúrúr Báyí the widow of Visvanáda Táker being then dead) whereby (amongst other things) the charity was appointed to be conducted by Ratná Báyí during her life and after her death by the lawful male descendants of the daughters of Jagunáda Táker and Visvanáda Táker.

4. Ratná Báyí died many years ago and the interest accruing due on the deposit of 10,000 pagodas has since been paid from the public treasury upon the joint receipt of the respective administrators (from time to time) of the estates of Ram Kúrúr Báyí and Ratná Báyí and applied to the maintenance of the charity down to August 1859 when Rázu Báyí the administratrix of Ratná Báyí, died.

5. Subsequent to the death of Rázu Báyí (the administratrix of Ratná Báyí) Rázu Báyí (the administratrix of Ram Kúrúr Báyí) applied to the Sub Treasurer for payment of the interest due in respect of the 10,000 pagodas deposit but the Sub Treasurer, under my advice, declined to pay such interest until Letters of Administration debonis non to the estate of Ratná Báyí had been obtained from the Supreme Court by the party lawfully entitled to them.

6. Disputes have since occurred as to who is properly entitled to the management of the charity and the receipt of the funds applicable thereto; and it is out of these disputes that the present suit has arisen.

7. The suit will not in any way affect the interests of Government pecuniarily or otherwise. The Secretary of State for India is a necessary party to the suit and I have no doubt that the Supreme Court will direct his costs to be paid out of the funds which are the subject of it.

8. I do not think it necessary to trouble Government at present with any further details but will merely request that the copy bill as well as the copy interrogatories (herewith also sent) may be transmitted to the Accountant General with instructions to afford me such information as will enable me to prepare the Secretary of State's answer to the interrogatories numbered 8, 19, 27, 28, 32 and 36.

No. 27. ORDER THEREON, 2nd March 1860, No. 338.

Resolved accordingly that the copy of the bill and of the interrogatories received with this letter, together with a copy of the letter itself, be forwarded to the Accountant General, with instructions to afford the Government Solicitor the information required by him.

(Signed) T. PYCROFT,
Chief Secretary.

In the Supreme Court of Judicature at Madras.

In Equity

Between Viswanada Duggit an Infant by Rajah Ram Tharavady his Uncle and next friend _____ Plaintiff

And

The Secretary of State in Council of India Viswanada Davay of Madras Hindoo Gentleman Jaganada Davay of Madras Hindoo Infant Manuckee Boye of Madras Widow and Razoo Boye also of Madras Widow and Administratrix of the Estate and Effects of Ram Coovur Boye Deceased _____ Defendants

Bill of Complaint.

To

The Honorable Sir Henry Davison Knight, Chief Justice

and

The Honorable Sir Adam Bittleston Knight, Puisne Justice of this Honorable Court.

Humbly Complaining Sheweth unto your Lordships Viswanada Duggit an Infant by the said Rajah Ram Tharavady his Uncle and next friend the above named Plaintiff as follows.

1. Jugganada Tanker and Viswanada Tanker were Brothers and at the time of the death of the former the only male members of an undivided Hindoo Family.

2. The said Jugganada Tanker departed this life intestate in the year One thousand Seven hundred and ninety five without male issue leaving Ruttna Boye his Widow and Sakroo Boye and Razoo Boye his married Daughters him surviving.

(1.)

The

3. The said Samoo Boye departed this life leaving Lutchmee Boye her only child and the said Lutchmee Boyee is now a Widow without issue residing at Malayalum beyond the Jurisdiction of this Honorable Court.

4. The said Visvanada Tanker who was at the time of his death the sole surviving Male member of the said family departed this life in the year 1801 leaving Ram Coovur Boye his Widow and Cavary Boye and Umbah Boye his Daughters his surviving.

5. The said Cavary Boye was married in the life time of her said Father and the said Umbah Boye after his death.

6. The whole of the Estate and Effects of the said undivided family vested upon the death of the said Visvanada Tanker in the said Ram Coovur Boye.

7. The said Ram Coovur Boye established a certain private Charity at Iravarum consisting of a Pagoda Agraharum and Charity Choultry since called Tanker's Choultry and appropriated certain landed property and a sum of 10,000 Pagodas for the support and continuance thereof.

8. Such Sum of 10,000 Pagodas was paid into the hands of the East India Company to run at Interest at the rate of 800 Pagodas per Annum and a Deed of Declaration and Agreement was obtained thereupon executed by and between the said East India Company on the one part and the said Ram Coovur Boye and Rutna Boye of the other part whereby it was witnessed that the East India Company should pay each Interest half yearly to the said Ram Coovur Boye and Rutna Boye during their joint lives and to the survivor of them during her life and after the death of such survivor to such person or persons as the said Ram Coovur Boye and Rutna Boye jointly during their lives should by any Deed or Deeds writing or writings appoint or in default thereof as the survivor of them should by any such deed or writing or by her last Will and Testament in writing or any writing in the nature of and purporting to be her last will should direct nominate and appoint and in default thereof to the next of kin and immediate

(2.)

immediate personal representative or representatives of the said Ram Coovur Boye and Rutna Boye according to the laws and customs of the Hindoos.

9. The said Ram Coovur Boye and Rutna Boye jointly received such Interest and applied the same in the maintenance of the said Charity down to the time of the death of the said Ram Coovur Boye which took place in the year 1813.

10. On the 27th of July 1824 a Deed of Division Covenant and Release was made and executed by and between the said Ruthna Boye of the one part and the said Cavary Boye and Umbah Boye of the other part whereby among other things the said Charity was appointed to be conducted by the said Rutna Boye during her life and after her death by the lawful Male descendants of the Daughters of the said Sagganada Tanker and Visvanada Tanker.

11. Two Houses situate in Ennyarama Street and a certain Interest in the then "Courier" Newspaper were by the said last mentioned Deed of Release appropriated for the benefit of the said charity.

12. Such "Courier" Newspaper has since become extinct.

13. The said Razoo Boyee (the Daughter of the said Rutna Boye) had two Sons named Sury Sunker Pundiah and Seeva Sunkara Pundiah.

14. The said Sury Sunker Pundiah departed this life many years ago in the life time of the said Rutna Boye without issue.

15. The said Seeva Sunker Pundiah with the consent of all parties interested applied for and obtained on the Ecclesiastical Side of this Honorable Court Letters of administration to the Estate of the said Rutna Boye deceased limited to the receipt of the sum of 400 Pagodas half yearly in respect of the Interest of the sum so invested in the hands of the said East India Company.

16. The said Seeva Sunkara Pundiah departed this life on or about the 29th day of November 1841 in the life time of his Mother the said Razoo Boye without Male issue leaving the Defendant Mareekee Boye his Widow and Sooboo Boye and

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and Meenah Boye his only surviving Children him surviving.

17. The said Sooboo Boye has since departed this life without issue.

18. The said Seevasunkara Pundah had another Daughter Kistna Boye who pre-deceased him and which said Kistna Boye had two Sons the Defendant Visvanada Davay and one Jaggunada Davay since deceased.

19. The said Meenah Boye has also departed this life leaving the Defendant Jaggunada Davay her only Child her surviving.

20. The said Razoo Boye after the death of her Son the said Seevasunkara Pundeah obtained Letters of Administration from this Honorable Court of the Estate of the said Kistna Boye limited as aforesaid.

21. The said Cavary Boye departed this life without issue.

22. The said Umbah Boye departed this life leaving Ramachendra Duggit her only Child her surviving.

23. The said Ram Chendra Duggit in his life time and on the 8th day of March 1839 obtained on the Ecclesiastical Side of this Honorable Court Letters of Administration of the Estate and Effects of the said Ram Coovur Boye deceased also limited as aforesaid.

24. The said Ram Chendra Duggit departed this life on the 7th day of August 1855 leaving the Defendant Razoo Boye his Widow and the Plaintiff Vievanada Duggit his only Son and only legal personal representative him surviving.

25. The Plaintiff is an Infant under the age of 16 years that is to say of the age of 12 years or thereabouts.

26. The Defendant Razoo Boye on the 29th of May 1856 obtained on the Ecclesiastical Side of this Honorable Court Letters of Administration of the Estate and Effects of the said Ram Coovur Boye also limited as aforesaid as the Guardian appointed on the said Ecclesiastical Side of this

Honorable

Honorable Court of her Infant Son the said Viswanada Duggit.

27. The said Seevasunkara Pundiah and Ram Chendra Duggit during their joint lives received the said Interest from the said late East India Company and applied the same to the maintenance of the said Charity.

28. The said Ram Chendra Duggit and Razoo Boye after the death of the said Seevasunkara Pundiah during their joint lives and the Defendant Razoo Boye and the said Razoo Boye the Daughter of the said Rutna Boye afterwards and down to the death of the said Razoo Boye as hereinafter mentioned received the said Interest and appropriated the same as aforesaid.

29. The said Razoo Boye the daughter of the said Rutna Boye departed this life at Madras intestate some time on or about the thirtieth day of August 1859.

30. The Defendant Mareekee Boye has since taken possession of the said Charity Choultry and all the landed property belonging to the said Charity and has collected and received the rents and profits thereof and refuses to account for the same.

31. The Defendant Razoo Boye subsequently to the death of the said Razoo Boye the Daughter of the said Rutna Boye applied to the Defendant the Secretary of State in Council of India for the Interest due on the said sum of 10000 Pagodas but he refuses to pay the same to her.

32. The Defendant Mareekee Boye on the 27th day of January last applied for and obtained an order on the Ecclesiastical Side of this Honorable Court in the matter of the Goods and Chattels of the said Rutna Boye deceased appointing her the Guardian of the Infant Defendant Suggunada Davay for the purpose of applying for letters of administration of the Estate of the said Rutna Boye limited as aforesaid to be granted to her as such Guardian jointly with the Defendant Viswanada Davay.

33. The Defendants Mareekee Boye and Viswanada Davay on the 31st day of January last filed their Petition for such joint letters of Administration as aforesaid and the usual Citations and advertisements

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advertisements have thereupon been issued and are published.

34. The Plaintiff charges that he the Plaintiff is the sole surviving male descendant of the Daughters of the said Jaggunada Tanker and Visvanada Tanker under the terms of the said Deed of the 27th day of July 1824.

35 The Plaintiff also charges that he the Plaintiff is the sole surviving legal personal representative of the said Ram Coonur Boye the founder and proprietrix of the said Charity.

36. The Defendant the Secretary of State in Council of India is subject to the Jurisdiction of this Honorable Court.

37. The Defendants Visvanada Davay Jaggunada Davay Manee Kee Boye and Razoo Boye are severally Hindoo Inhabitants of Madras residing the said Visvanada Davay at No 61 Thumoonthoo Roy Pagoda Street and the said Jaggunada Davay at No 31 in Yagambara Eswara Aggraharum Street the said Maneekee Boy at No 87 in Salay Street and the said Razoo Boye at No 34 in Yagambara Eswara Aggraharum Street severally within the Town and limits of Madras and are severally subject to the Jurisdiction of this Honorable Court.

Prayer

The Plaintiff prays as follows:-

1. That the rights and Interests of the Plaintiff in the premises be declared and decreed.

2. That the Plaintiff be declared entitled to the management of the said Charity and that some proper person be appointed to manage the same for him during his minority.

3. That the Defendant the Secretary of State in Council of India be directed to pay the said interest half yearly to such person so to be appointed as aforesaid during the minority of the Plaintiff.

4. That the said Defendant the Secretary of State in Council of India be directed to pay such Interest half yearly to the said Plaintiff after he shall obtain his full age of 16 years.

That

5. That the said Defendant the Secretary of State in Council of India be restrained from paying such Interest or any part thereof to the Defendants Vievanada Davay Jagganada Davay Mareekee Boye and Razoo Boye or any of them and that such last named Defendants be restrained from receiving or applying for the same.

6. That an account be taken of the landed property of the said Charity come to the hands of the Defendant Mareekee Boye and of the rents and profits thereof collected and received by her and that she be decreed to make over such landed property and pay the amount of such rents and profits to the person so to be appointed as aforesaid to act for the Plaintiff during his minority.

7. That the Defendants Vievanada Davay Jugganada Davay and Mareekee Boye be restrained from interfering or intermeddling with the said Charity.

8 That the Defendants or such of them as this Honorable Court shall direct be decreed to pay the Costs of this suit.

9. That the Plaintiff may have such further or other relief as the nature of the case may require

Names of Defendants

The Secretary of State in Council of India

Vievanada Davay.

Jugganada Davay, Mareekee Boye and Razoo Boye

Name of Counsel

J. W. Branson.

(7.)

Supreme Court
Madras
(In Equity)

Visvanaca Duggiraw
Infant &c
&
The Secretary of State
in Council of India and others

R 428/60.

1 Copy
& Bill

Order 2 March/60
Apr 3rd 60
Cert 26 & 27.

Boydon
Sov Solr

In the Supreme Court of Judicature at Madras

(In Equity) Between Visvanada Puggit an Infant by Rajah Ram Tharavady his uncle and next friend Plaintiff

and

The Secretary of State in Council of India, Visvanada Pavay of madras Hendoo Gentleman - Jagganada Pavay of madras Hendoo Infant. Tirumaneekee Boye of madras widow and Razoo Boye alias of madras widow and administratrix to the Estate and effects of Ram Coovur Boye deceased Defendants

Interrogatories for the examination of the above named Defendants in answer to the Plaintiffs Bill of Complaint.

1. Were not Jagganada Tauker and Visvanada Tauker Brothers and at the time of the death of the former were they not the only male members of an undivided Hendoo family.

2. Did not the said Jagganada Tauker depart this life intestate in the year 1795 or when without male issue and did he not leave Rutna Boye his widow and Samoo Boye and Razoo Boye his married daughters him surviving.

3. Did not the said Samoo Boye depart this life and when leaving Lutchmee Boye her only child and is not the said Lutchmee Boye now a widow without issue residing at malayalum or where beyond the Jurisdiction of this Honorable Court

4. Was not the said Visvanada Tauker at the time of his death the sole surviving male member of the said family and did he not depart this life in the year 1801 or when leaving Ram Coovur Boye his widow and Cavary Boye and umbah Boye his daughters him surviving

5. Was not the said Cavary Boye married in the life time of her said father and to whom and when and was not the said umbah Boye married

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married after her said fathers death and to whom and when.

6. Did not the whole of the Estate and effects of the said undivided family vett upon the death of the said Vetvanada Sauker or when in the said Ram Coovur Boye or in whom else and how

7. Did not the said Ram Coovur Boye establish a certain private charity at Inavaram or elsewhere and where and do not the same consist of a Pagoda Agraharam and charity choultry Senee called Saukers choultry and do she not appropriate certain and what landed property and a sum of 10,000 Pagodas for the support and contenuance thereof or how otherwise

8 Was not such sum of 10,000 Pagodas paid into the hands of the East India Company to run at Interest at the rate of 800 Pagodas per annum or on what other terms and was not such deed of declaration and agreement thereupon executed as in the Bill in that behalf mentioned or some other and what deed and where and in whose hands possession custody or power is the original thereof or what has become thereof.

9 Did not the said Ram Coovur Boye and Rutna Boye jointly receive such Interest and apply the same in the maintenance of the said charity down to the time of the death of the said Ram Coovur Boye and do not the said Ram Coovur Boye die in the year 1813 or when

10. Was not such Deed of division covenant and Release as in the Bill in that behalf mentioned made and executed on the 27th day of July 1824 or when by and between the said Rutna Boye of the one part, and the said Cavary Boye and umbah Boye of the other part, where and in whose hands possession custody or power is such last mentioned deed or what has become of the original thereof

11 Were not 2 houses situate in Pungarama street and of what numbers and a certain and what interest in the then "Courier" newspaper appropriated by the said last mentioned deed of release for the benefit of the said charity -

12 Has not such Courier newspaper Senee become extinct.

13 Has not the said Razoo Boye the daughter of the said Rutna Boye 2 sons named Sury Seenkara Pendiah and Seeva Seenkara Pendiah

14 Did not the said Hurry Sun Kara Pondiah depart this life many years ago and when in the life time of the said Rutna Boye without issue

15 Did not the said Seeva Sun Kara Pondiah with the consent of all parties interested apply for and obtain on the Ecclesiastical side of this Honorable Court letters of administration to the Estate of the said Rutna Boye deceased limited as in the Bill in that behalf mentioned or how

16 Did not the said Seeva Sun Kara Pondiah depart this life on or about the 29 day of Nov. 1841 or when in the life time of his mother the said Razoo Boye without male issue leaving the Defendant Muniakee Boye his widow and Sooboo Boye and Meenah Boye his only surviving children him surviving.

17 Did not the said Sooboo Boye afterwards and when depart this life without issue

18 Had not the said Seeva Sun Kara Pondiah another daughter Rutna Boye and did she not predecease him and had she not 2 sons the Defendant Viswanada Daway and one Jagganada Daway since deceased.

19 Has not the said Meenah Boye also departed this life leaving the Defendant Jagganada Daway her only child her surviving.

20 Did not the said Razoo Boye after the death of her son the said Seeva Sun Kara Pondiah obtain Letters of administration from this Honorable Court of the Estate of the said Rutna Boye limited as aforesaid.

21. Did not the said Cavary Boye depart this life without issue.

22. Did not the said Umbah Boye depart this life leaving Ram chendra Duggit her only child her surviving.

23 Did not the said Ram chendra Duggit in his life time and on the 8 day of march 1839 obtain on the Ecclesiastical side of this Honorable Court letters of administration of the Estate and effects of the said Ram coorun Boye deceased also

also limited as aforesaid
24 Did not the said Ram chendra Duggit depart this life on the 7th day of August 1859. or when and did he not leave the Defendant Razoo Boye his widow and the Plaintiff Vissvanadee Duggit his only son and only legal personal representative him surviving
25 Is not the Plaintiff an Infant under the age of 16 years that is to say of the age of 12 years or thereabouts.
26 Did not the Defendant Razoo Boye on the 29th day of may 1860 or when obtain on the Ecclesiastical side of this Honorable Court letters of Administration of the Estate and effects of the said Ram Coovur Boye also limited as aforesaid as the Guardian appointed on the said Ecclesiastical side of this Honorable Court of her Infant son the said Vissvanadee Duggit
27 Did not the said Seeva Sun Ram Pondiah and Ram chendra Duggit during their joint lives receive the said interest from the said late East India Company and apply the same to the maintenance of the said charity.
28 Did not the said Ram chendra Duggit and Razoo Boye after the death of the said Seeva Sunkara Pondiah during their joint lives and the Defendant Razoo Boye and the said Razoo Boye the daughter of the said Retna Boye afterwards and down to the death of the said Razoo Boye as hereinafter mentioned receive the said Interest and appropriate the same as aforesaid
29 Did not the said Razool Boye the daughter of the said Retna Boye depart this life at Madras intestate some time on or about the 30th day of August 1859 or when —
30 Has not the Defendant Manee Nee Boye since taken possession of the said charity Choultry and the lands property belonging to the said Charity or some and what part thereof and has she not collected and received the rents and profits thereof and does she not refuse to account for the same —
31 Let the Defendant Manakee Boye set forth the particulars of the said landed property so taken possession of by her and a full and true account

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account of the rents issues and profits thereof -

32 - Did not the Defendant Razoo Boye subsequently to the death of the said Razoo Boye the daughter of the said Ratna Boye apply to the Defendant the Secretary of State in Council of India for the interest due on the said sum of 10,000 Rupees as and do he not, and does he not refuse to pay the same to her -

33 - Did not the Defendant Maneeka Boye on the 27th day of January last or when apply for and obtain on the Ecclesiastical side of this Honorable Court in the matter of the Goods and Chattels of the said Ratna Boye deceased such order as in the Bill in that behalf mentioned

34 - Did not the Defendants Maneeka Boye and Visvanada Davay on the 31st day of January last or when file their Petition for such joint letters of administration as aforesaid and have not the usual Citations and advertisements thereupon been issued and published -

35 - Is it not the fact that the Plaintiff is the sole surviving male descendant of the daughters of the said Jaggunada Jauker and Visvanada Jauker under the terms of the said Deed of the 27th day of July 1824 -

36 - Is it not also the fact that he the said Plaintiff is the sole surviving legal personal representative of the said Rameoolur Boye the founder and proprietrix of the said Charity -

37 - Is not the Defendant the Secretary of State in Council of India subject to the Jurisdiction of this Honorable Court -

38 - Are not the Defendants Visvanada Davay Juggunada Davay Maneeka Boye and Razoo Boye severally Hindoo Inhabitants of Madras residing as in the Bill in that behalf stated -

The Defendant the Secretary of State is required to answer the Interrogatories 8. 9. 10. 27. 28. 31. and 36 -

The Defendants Visvanada Davay Juggunada Davay Maneeka Boye and Razoo Boye are required to answer all these Interrogatories -

Sd/ G. C. Brandon
Clk Sol -

Sd/ W. Brandon

(5)

40 H.C.

Supreme Court
Madras
(In Equity)

Visvanada Duggit an
Infant &c
vs
The Secretary of State in
Council for India and ors.

P 428/60.

Copy

Interrogatories

Royson
Solr for Plt

Rec.d 1860 Depart.t
Pro: of Gov.t Lo. Letters
Fiat No. 428.

The Government Sol.r

To The Chief Secy to Govt

Dated 25th February

Received 28th Feb.y 1860.

No. 153.

2 Enclosures.

No. 338. 2d March

Viswanada Doggil an
Infant. &c.

The Secretary of State for

Forwards a Copy of the
Bill and Interrogatories
in this suit:- explains the
circumstances which led to
its institution and requests
that the Acct Genl. may
be instructed to afford such
information as may be necessa
-ry for the preparation of the
Secretary of State's answer
Withdrawn Order

No. 26 & 27.

Cl.t March 2nd

No. 338.

Resolved accordingly
that the copy of the Bill and of
the Interrogatories received
with this letter, together with
a Copy of the letter itself, be
forwarded to the Accountant
General, with instructions to
afford the Government Solicitor
the information required by
him.

Fort St. Geo.
2nd. March 1860.

1 Copy Accountt General with 2 Rejd Duplts
1 " Govt Solicitor "