M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2109	Press ~~Mis.~~
297.298	
Dated 23 11 ~~19~~ 1863	

Not to be folded or roughly handled

No. 297. Read the following Proceedings of the Board of Revenue, dated 9th November 1863, No. 7,133:—

Read the following letter from V. H. LEVINGE, Esq., Collector of Madura, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 4th November 1863, No. 251.

SIR,

1. Having been informed by the Government Vakeel of this station that one Vejiaragoonada Ramasawmy Tever, son of Mootoochella Tever of Ramnad, had brought a Suit in the Civil Court of Madura against the present Ranee of Ramnad and her alleged adopted son regarding the said Estate, I desired him to obtain me a copy of the Plaint, which having been accordingly furnished by the Civil Judge, I have now the honor to submit a translation of it for the information of the Board.

2. The Plaintiff calls himself one of the kindred of Ramasawmy Sethuputty, the last male Zemindar and husband of the present Zemindarni, asserting that his adoptive great grand-father, and the great grand-father of the Plaintiff were brothers, and thus seeks to have his right as heir to the Zemindary and its appurtenances established, and the alleged adoption of the 2nd Defendant cancelled as illegal.

3. It will be observed that the Plaintiff was examined by Government as a witness* on their behalf in Original Suit No. 1 of 1860† on the file of the Madura Civil Court.

4. The Plaintiff was an objector in Original Suit No. 3 of 1856 when he presented a motion‡ in the Civil Court on the 26th September 1856, supporting his claim on the double ground of his being the husband of Mungalaswara Natchiar, the first minor daughter of the present Ranee, and of his being a co-heir of the husband of the Istimrar Ranee Mungalaswara Natchiar.

5. He was then made a Supplemental Defendant in the case with certain others by the diary of the Court dated the 16th July 1860, but on the second preliminary hearing held on the 5th December 1860, the Court heard the Vakeel of the said Defendant (Plaintiff in the present case), and decided§ that his claim was inadmissible as will be seen in paragraph 15 of the Decree of the Court, forwarded with my letter to the Board dated 2nd May 1861.

6. The Board will observe in paragraph 4 of the plaint an allusion made to a writen statement put in by this Plaintiff in that Suit No. 3 of 1856, copy of which is not forthcoming on my record. I will shortly procure a copy and submit it for the Board's information.

7. In the meanwhile, I request early and definite instructions from the Board as to whether it would not be necessary for Government to claim their inclusion as Defendant in this Suit as it relates to a Zemindary in which the Government asserted a reversionary interest, and as to what line of conduct I should adopt in the matter.

8. The case will come on for hearing on the 17th instant, and the Government Vakeel informs me the Civil Judge has expressed his intention of disposing of the claim within one month.

* Vide Judgment appended to the Board's Proceedings, 2nd October 1863, No. 6,235.

† A. S. No. 35 of 1861 on the file of the late Sudder Court.

‡ Vide paragraph 7 of the Collector's letter to the Board dated 23rd August 1860, No. 174, and motion presented by this Plaintiff, one of the enclosures of the letter.

§ No appeal appears to have been made from this order thus rejecting his claim.

ENCLOSURE No. 1.

Translation.

Plaint in Original Suit No. 13 *of* 1863 *on the file of the Civil Court of Madura.*

Plaintiff.	*versus*	*Defendant.*
Vejiaragoonada Ramasawmy Tever, son of Vejiaragoonada Mootoochella Tever, a resident of Ramnad.		1. Ranee Purvathavurdany Natchiar, widow of Rajah Vejiaragoonada Ramasawmy Sethuputty, and the Zimindar of Ramnad. 2. Her alleged adopted son Muthuramalinga Tever, son of Sevageyana Tever.

This Suit is brought by Plaintiff under Section 26, Act VIII of 1859 for the purpose of getting established his right to the Zemindary of Ramnad, yielding a revenue of Rupees 5,50,000 per annum, and paying a Pesh kist of Rupees 3,24,404, Annas 3 and Pice 10 to the Chuttrum, Devastanum Kolkriyam and Siruthettu villages, pertaining to said Zimindary and to the ready money, jewels, buildings and other properties detailed below, valued at Rupees 17,20,000, and further of getting annulled the right illegally asserted by the 2nd Defendant to belong to him.

1. The 1st Defendant's husband's great grand-father Ramaraja Tever, in the line of adoption, and this Plaintiff's great grand-father Saidurama Tever were brothers; consequently this Plaintiff is by right of co-parceny entitled to the Zemindary now in possession of the 1st Defendant and to its appurtenances.

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rtenances.

2. The Zemindary in question was in 1803, obtained by Ranee Mungalaswara Natchiar under an Istimrar Sunnud. On the death of Ramasawmy Sethuputty (the husband of 1st Defendant) who had lastly enjoyed it, and on the death of his two minor daughters, the 1st Defendant claimed and obtained it as the property of her husband.

3. The statement of the 2nd Defendant that he grounds his claim to the Zemindary, &c., firstly, on an unlawful adoption; and secondly, on a gift is untenable because such alleged adoption or gift was not made with the consent either of this Plaintiff (who is the co-partner and son of the abovementioned Ramasawmy Sethuputty's natural brother), or of the Plaintiff's father.

4. With reference to the written statement put in by this Plaintiff in Original Suit No. 3 of 1856 on the file of this Court, no point has been given to prove the co-parcenary right alluded to in paragraph 1 of this plaint.

5. As it manifestly appears from the answer preferred in Original Suit No. 1 of 1860 on the file of this Court, and from the Deed of Gift executed on the 21st February 1862, that the 1st Defendant has bestowed the Zemindary in dispute on the 2nd Defendant contrary to what she (the 1st Defendant) had stated in public offices, viz., that the 2nd Defendant was only entitled to it after her death, this Plaintiff, who is the next heir, brings this regular suit now that the 1st Defendant has relinquished her right to the Zemindary.

6. Independent of the proofs which exist to show that this Plaintiff is heir next to the 1st Defendant, and that the 2nd Defendant's alleged right is invalid, there is the plaint in Original Suit No. 4 of 1863 on the file of this Court, which contains a statement to the effect that the abovementioned Ramasawmy Sethuputty was adopted from a Dayadivamishum, that is to say a line of co-parceny; hence it is plain that this Plaintiff is a co-partner.

7. As the articles which this Plaintiff claims together with the Zemindary are in possession of the Defendants, their value is entered on mere estimation.

(*Vide* list in Collector's copy.)

(True Translation.)

(Signed) T. RAM ROW, *Deputy Collector.*

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1. Forwarded to the Government Pleader for his early opinion as to the course which he deems proper to be pursued in the case.

2. He will observe that this Suit is to come on for hearing on the 17th instant, so that there will be only time to communicate with the Collector by Telegraph.

No. 298. ORDER THEREON, 23rd November 1863, No. 2,102.

Ordered to be recorded.

(True Extract.)

(Signed) C. G. ,MASTER

Deputy Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 9th November 1863.

Read the following letter from V. H. LEVINGE, Esq., Collector of Madura, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 4th November 1863, No. 251:—

1. Having been informed by the Government Vakeel of this station that one Vejiaragoonada Ramasawmy Tever, son of Mootoochella Tever of Ramnad, had brought a Suit in the Civil Court of Madura against the present Ranee of Ramnad and her alleged adopted son regarding the said Estate, I desired him to obtain me a copy of the Plaint, which having been accordingly furnished by the Civil Judge, I have now the honor to submit a translation of it for the information of the Board.

2. The Plaintiff calls himself one of the kindred of Ramasawmy Sethuputty, the last male Zemindar and husband of the present Zemindarni, asserting that his adoptive great grand-father, and the great grand-father of the Plaintiff were brothers. and thus seeks to have his right as heir to the Zemindary and its appurtenances established, and the alleged adoption of the 2nd Defendant cancelled as illegal.

3. It will be observed that the Plaintiff was examined by Government as a witness* on their behalf in Original Suit No. 1 of 1860† on the file of the Madura Civil Court.

4. The Plaintiff was an objector in Original Suit No. 3 of 1856 when he presented a Motion‡ in the Civil Court on the 26th September 1856, supporting his claim on the double ground of his being the husband of Mungalaswara Natchiar, the first minor daughter of the present Ranee, and of his being a co-heir of the husband of the Istimrar Ranee Mungalaswara Natchiar.

5. He was then made a Supplemental Defendant in the case with certain others by the diary of the Court dated the 16th July 1860, but on the second preliminary hearing held on the 5th December 1860, the Court heard the Vakeel of the said Defendant (Plaintiff in the present case), and decided§ that his claim was inadmissible as will be seen in paragraph 15 of the Decree of the Court, forwarded with my letter to the Board dated 2nd May 1861.

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7. In the meanwhile, I request early and definite instructions from the Board as to whether it would not be necessary for Government to claim their inclusion as Defendant in this Suit as it relates to a Zemindary in which the Government asserted a reversionary interest, and as to what line of conduct I should adopt in the matter.

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† A. S. No. 35 of 1861 on the file of the late Sadder Court.

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§ No appeal appears to have been made from this order thus rejecting his claim.

ENCLOSURE No. 1.

Translation.

Plaint in Original Suit No. 13 *of* 1863 *on the file of the Civil Court of Madura.*

Plaintiff

Vejiaragoonada Ramasawmy Tever, son of Vejiaragoonada Mootoochella Tever, a resident of Ramnad,

versus

Defendant.

1. Ranee Purvathavurdavy Natchiar, widow of Rajah Vejiaragoonada Ramasawmy Sethuputty, and the Zemindar of Ramnad.
2. Her alleged adopted son Muthuramalinga Tever, son of Sevageyana Tever.

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1. The 1st Defendant's husband's great grand-father Ramaraja Tever, in the line of adoption, and this Plaintiff's great grand-father Saidurama Tever were brothers; consequently this Plaintiff is by right of co-parceny entitled to the Zemindary now in possession of the 1st Defendant and to its appurtenances.

2. The Zemindary in question was in 1803, obtained by Ranee Mungalaswari Natchiar under an Istimrar Sunnud. On the death of Ramasawmy Sethuputty (the husband of 1st Defendant) who had lastly enjoyed it, and on the death of his two minor daughters, the 1st Defendant claimed and obtained it as the property of her husband.

3. The statement of the 2nd Defendant that he grounds his claim to the Zemindary, &c., firstly, on an unlawful adoption; and secondly, on a gift is untenable because such alleged adoption or gift was not made with the consent either of this Plaintiff (who is the co-partner and son of the above-mentioned Ramasawmy Sethuputty's natural brother), or of the Plaintiff's father.

4. With reference to the written statement put in by this Plaintiff in Original Suit No. 3 of 1856 on the file of this Court, no point has been given to prove the co-parcenary right alluded to in paragraph 1 of this plaint.

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7. As the articles which this Plaintiff claims together with the Zemindary are in possession of the Defendants, their value is entered on mere estimation.

(Vide list in Collector's copy.)

(True Translation.)

(Signed) T. RAM ROW, Deputy Collector.

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1. Forwarded to the Government Pleader for his early opinion as to the course which he deems proper to be pursued in the case.

2. He will observe that this Suit is to come on for hearing on the 17th instant, so that there will be only time to communicate with the Collector by Telegraph.

(True Copies and Exttact.)

Secretary.

To C. Dale, Esq., Government Pleader, with enclosure.

Copy to J. D. Sim, Esq., Secretary to Government, R. D.

„ to V. H. Levinge, Esq., Collector of Madura.

Exd. J. Wright.

Read 29th Dec. 1863.

Letter from Govt. Law Dept. dated 23rd Dec. 1863.

No. 2779.

PROCEEDINGS OF THE BOARD OF REVENUE

Dated 9th November 1863.

Despatched 1863.

Received 1863.

No. 7,133.

Forwarding for early opinion a letter from the Collector of Madura on the subject of the Suit filed in the Civil Court by Vizaya Raganada Ramasawmy Tever regarding the Ramnad Zemindary.

RECORDED

23rd Nov. 1863.