

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	978	Press Mis
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Dated	8/6 - 1918	64

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
8th June 1864.*

No. 90. Read the following Proceedings of the Board of Revenue, dated 22nd April 1864;
No. 2,430.

Read again letter from the Collector of Tanjore, dated 31st December 1863, No. 494, in Board's
Proceedings dated 19th January 1864, No. 367.

Read also the following letter from the same Officer, dated Negapatam, 13th February 1864,
No. 38 :—

With reference to the Board's Proceedings of the 19th ultimo, No. 367, I have the honor to state that, as therein directed, I made a reference to the Civil Judge on the subject of the claim in question, and have received a reply from that Officer, stating that he sees no objection to the sum claimed by the Petitioner being paid to the heirs of the deceased Sakkaram, the individual mentioned in paragraph 7 of my letter to the Board. The present Petitioner is, as I have already stated, the undivided brother of that individual, and is further the guardian, jointly with his other surviving undivided brothers, of the minor sons of the said Sakkaram Rau.

ENCLOSURE No. 1.—Petition.

1. Resolved that the above letters, together with the Petition to which they refer, be submitted to Government with the Board's recommendation that the Collector be authorized to refund to Petitioner the sum of Rupees 160-11-0.

2. This sum is a portion of the Native Pension Fund not yet refunded to the heirs of the subscribers. It appears that a late Head Sheristadar of Tanjore had paid a considerable sum to this fund, and that it was some time in dispute between his descendants. The Civil Courts eventually ruled that the greater portion of the amount should be paid in certain shares, and excluded Sakkaram Row, the party whom Petitioner represents, from a share, on the ground that his branch of the family had divided from the original stock; but as one of the individuals in whose favour the Decree was given had agreed that Sakkaram Row should have a share, this person was held to be bound by his agreement, and his share was reduced accordingly.

3. Though the Decree of the Court did not state to whom the difference between the larger and smaller share should go, the Civil Judge has now written to the Collector, stating that there is no objection to its being paid to the heirs of Sakkaram Row whom petitioner represents.

4. The charge can be met from the Budget provision of Rupees 1,300 under F. IX. Miscellaneous minor head "Refunds of subscription to the late Native Pension Fund."

No. 91. ORDER THEREON, 8th June 1864, No. 978.

Miscellaneous.

Sanctioned as recommended by the Board of Revenue.

(True Extract.)

(Signed) C. G. MASTER,

Deputy Secretary to Government.

To the Revenue Board, with Petition returned.
,, the Deputy Auditor and Accountant General.
,, the Civil Paymaster.

Exd. S. T. Augustin,

PROCEEDINGS OF THE BOARD OF REVENUE, dated 19th January 1864.

Read the following letter from the Collector of Tanjore, dated 31st December 1863, No. 494:—

1. I have the honor to report as directed on the subject of Board Petition No. 3,864 of 1863.
2. The facts of the case are these: Gundopandit, a former Head Serishtadar of this District, had four sons, and in a division of his property which took place during his life-time, one of his sons, Venkat Row, voluntarily relinquished all claim to a share in his father's property, which was accordingly divided between the father and the other three sons.
3. Subsequently however, and on the death of both Gundopandit and Venkat Row, a dispute arose between Venkat Row's sons and two of the other three sons of Gundopandit (one of them having stood aloof), as to receiving from Government the refunds of the Pandit's subscription to the "Native Pension Fund," the former asserting their right to one-fourth of it as due to their deceased father according to the ordinary law of succession, and the latter contending that by relinquishing (as he had done) all claim to a share in the family property, Venkat Row had likewise relinquished his claim to his share of the Fund in question, and the same was consequently divisible only among the other three sons of Gundopandit.
4. The dispute was at length carried to the Courts, and was eventually decided on appeal by the Civil Judge Mr. G. T. Beauchamp in favor of two of the surviving three sons of Gundopandit.
5. One of them (Naraina Row) however having admitted Venkat Row's right to a share, such admission was considered by the Court to be binding on him, and he was accordingly declared to be entitled to one-fourth share only instead of to one-third like his two brothers.
6. The shares thus awarded, viz., two-thirds to two brothers and one-fourth to the third, have been paid to them respectively by the Court to which the money was remitted on application from the Collector's Treasury; thus leaving the difference between one-third and one-fourth share, or one-twelfth of the whole, viz., Rupees 160-11-0, undrawn.
7. It is the balance thus left undrawn that Petitioner, who is one of the sons of Venkat Row, now claims on behalf of himself and his undivided brothers. He, in support of his claim, points to paragraph 16 of the Decree of the Civil Court (a copy of which forms an enclosure to his Petition), and which paragraph contains the finding of the Court referred to in paragraph 5 above. The individual Sukharam Row therein referred to was the deceased undivided brother of the Petitioner.
8. It is to be observed that while reducing the claim of Naraina Row from one-third to one-fourth, the Court has not expressly declared to whom the difference is to go, though on an application lately made by him for the same the Civil Court has referred the Petitioner to the Collector.
9. The point would seem to be involved in some doubt; but as seems to me, the Petitioner's claim appears open to no dispute; inasmuch as the claims of all his rival claimants have been already satisfied, I would, with the permission of the Board, make a reference to the Civil Court to know whether any objection exists to the remaining balance above-mentioned being paid to the Petitioner and his brothers, and should I be informed there is none, pay it accordingly.
10. The sum of Rupees 160-11-0 claimed by the Petitioner is, however, not in deposit as stated by him. If sanctioned, it will have to be paid from Government Funds in the same manner as such payments have always been made.
11. The charge can be met from the sum of Rupees 400 provided for this item in the current year's Budget under IX Miscellaneous Subordinate to F Civil Services, and from which sum no payments have yet been made.

ENCLOSURE No. 1.—Petition.

The Collector will be good enough to address the Civil Court as proposed by him and will report the result.

(A true Copy and Extract.)

(Signed) R. A. DALYELL,
Sub-Secretary,

To W. M. Cadell, Esq., Collector of Tanjore.

Exd. J. Wright.

No. 2,430.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 22nd April 1864.

Read again letter from the Collector of Tanjore, dated 31st December 1863, No. 494, in Board's Proceedings dated 19th January 1864, No. 367.

Read also the following letter from the same Officer, dated Negapatam, 13th February 1864, No. 38:—

With reference to the Board's Proceedings of the 19th ultimo, No. 367, I have the honor to state that, as therein directed, I made a reference to the Civil Judge on the subject of the claim in question, and have received a reply from that officer, stating that he sees no objection to the sum claimed by the Petitioner being paid to the heirs of the deceased Sakkaram, the individual mentioned in paragraph 7 of my letter to the Board. The present Petitioner is, as I have already stated, the undivided brother of that individual, and is further the guardian, jointly with his other surviving undivided brothers, of the minor sons of the said Sakkaram Ran.

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2. This sum is a portion of Native Pension Fund not yet refunded to the heirs of the subscribers. It appears that a late Head Serishtadar of Tanjore had paid a considerable sum to this fund, and that it was some time in dispute between his descendants. The Civil Courts eventually ruled that the greater portion of the amount should be paid in certain shares, and excluded Sakkaram Row, the party whom Petitioner represents, from a share, on the ground that his branch of the family had divided from the original stock; but as one of the individuals in whose favor the decree was given had agreed that Sakkaram Row should have a share, this person was held to be bound by his agreement, and his share was reduced accordingly.

3. Though the decree of the Court did not state to whom the difference between the larger and smaller share should go, the Civil Judge has now written to the Collector, stating that there is no objection to its being paid to the heirs of Sakkaram Row whom Petitioner represents.

4. The charge can be met from the Budget provision of Rupees 1,300 under F. IX. Miscellaneous minor head "Refunds of subscription to the late Native Pension Fund."

(A true Copy and Extract.)

M. S. Sub-Secretary.
Sub-Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.,
with copy of Board's Proceedings, dated 19th January 1864, No. 367.

Copy to W. M. Cadell, Esq., Collector of Tanjore.

Exd. J. Wright.

*Enquire the No of the
30 of Rev. at Tanjore
to Govt. & dated 23 April
1864 at 2430.*

Recd 11/05/64

*Copy of letter from
the Collector of Tanjore to
the Rev. at Tanjore
Rev. dated 31 Dec 1863
No 494 & reply on on
the 30th of 1863.*

Rev. 1864. Department.

Office of the Collector.

No. 1105.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 22nd April 1864.

April 27 - 8 - 1864

April 28 - 1864

April 29 - 1864

No. 2430.

Submitting with the Board's recommendation letter from the Collector of Tanjore furnishing further report on Petition No. 3864 of 1863 presented by the heirs of the deceased Sakaram.

1864. 8 June

With an order

By the Board of Revenue.

From Mr. George S. June 1864

1864

14 Rev. Col. with Petition presented - 1864. 18 June
3 Depts. and 1864. 18 June
3 Civil. 18 June

1864. 18 June

1864. 18 June

1864. 18 June

1864. 18 June