

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. <i>420</i> <i>307-308</i>	Press ~~Mis~~
Dated <i>16 - 2 -</i>	<i>18 66</i>

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*Proceedings of the Madras Government, Revenue Department,
16th February 1866.*

No. 307. Read the following Proceedings of the Board of Revenue, dated 9th February 1866, No. 946.

Read the following letter from the Acting Collector of the Kistna District, to the Secretary to the Board of Revenue, dated Masulipatam, 11th January 1866, No. 12:—

1. With reference to the Proceedings of the Board of the 22nd November 1865, communicating the orders of Government of the 16th idem, No. 2,797, I

* Original Suit, No. 2 of 1861.
† Appeal Suit, „ 50 of „
Plaintiff.—Chava Veeramah (daughter of Vasireddy Ramanadha Babu).
Defendants.—1st, Vasireddy Papamma (Plaintiff's mother).
2nd, Pottury Ananda Row.
3rd, Rajah Yerlagudda Aukiveed, Zemindar of Devaracottah.

have the honor to forward, herewith, copies of the Judgments of the Civil Court at Guntoor, and of the High Court† in the suits noted in the margin.

2. The nature of the suit originally brought by the Plaintiff, Chava Veeramah, is to recover certain bonds, or their value from Pottury Ananda Row, second Defendant, who had wrongfully obtained them from Plaintiff's mother, first Defendant. The Civil Court gave a Judgment in Plaintiff's favor, whereby the second Defendant was ordered to restore the bonds, or in default thereof, to pay her the sum of Rupees 78,800, which he had received on those bonds from the third Defendant, together with all costs of the suit. This Decree was confirmed by the High Court in appeal made by the said Pottury Ananda Row.

3. Subsequently, the Plaintiff Veeramah sold the Decree of the High Court to Vasireddy Lakshmiputty Naidu, for some valuable consideration. The latter transferred the same to Mungamury Ananta Lukshmi Nursu Puntulu, son of the Treasury Deputy Collector at Kurnool. This transferee has now moved the Court to execute the Decree on second Defendant.

4. As stated in paragraph 2 of my letter of the 17th October last, No. 194, I beg to forward, herewith, an English translation of the Proceedings of the Civil Court at Guntoor, the Proceedings having been received in the vernacular. The Board will observe therefrom that the Pleader of the last transferee has agreed to be responsible for discharging the amount due to Government by his transferrer, the said Lakshmiputty Naidu.

5. It appears to me that it would be preferable for the Government not to stop the execution of the Decree on the second Defendant as it is to their advantage; for, when the money is collected, they will be enabled to receive their dues from the last transferee, who has agreed to pay all the lawful demands of Government.

Judgment of the Civil Court of Guntoor.
In Original Suit No. 2 of 1861, 3rd May 1861.

1. This suit is brought against Defendants to recover certain bonds which second Defendant, by improper and illegal means, obtained from first Defendant.

2. The Plaintiff in her Kyfest sets forth, that at her husband's death, who was a rich Soucar, certain bonds, her property, were kept for safety with her father, Ramanadha Babu, after whose death, his wife, the first Defendant, still retained possession of the said bonds, as Plaintiff was young and residing in a jungly part of the country; that subsequently, the second Defendant obtained a warrant against first Defendant's husband's property, who was indebted to him, and a

frightened first Defendant, and threatened to send her to jail unless she gave up the bonds and documents, so that she was forced to do so; that after this, the second Defendant fabricated documents purporting that Plaintiff had willingly transferred to second Defendant the bonds, and received from him some documents which were of no value whatever, in exchange for the same, &c., &c.

3. The first Defendant's mother Kyfent admits that Plaintiff, who is her daughter, kept her bonds with first Defendant, &c. that one day, shortly after the death of her (first Defendant's) husband, the second Defendant, with many other of his own followers, came with a warrant, and surrounded first Defendant's house at Amaravati, and through his influence gained over the village Munsiff and Curmums, and with the assistance of first Defendant's mother-in-law, V. Parvattamma, who is the enemy of first Defendant, and hindered for two days the first Defendant from going out of her house, or obtaining what was necessary, and who was compelled, through this evil treatment, to deliver up the bonds and documents in first Defendant's possession, which were taken by second Defendant to Guntoor, &c., &c.

4. The second Defendant in his Kyfent alleges, that Plaintiff transferred the bonds in dispute, and also some documents to him, and obtained from him in lieu thereof, certain documents for a larger amount; that Plaintiff by petition authorized second Defendant to collect the money on the said bonds; that first Defendant did not illegally possess himself of the bonds; that Plaintiff was present at Amaravati when the warrant was issued against first Defendant, and that subsequently Plaintiff came to Guntoor, and caused a petition to be presented to the Court after the transfer of the documents had taken place; and that third Defendant having afterwards paid second Defendant the money due on the said bonds, he (second Defendant) returned them to him.

5. The third Defendant, in his Kyfent states; there was no necessity for him to have been included in this suit; that as the documents in dispute appeared to have been publicly transferred to second Defendant, he (third Defendant) paid the money to second Defendant, and received back from him the said bonds, and that second Defendant has publicly acknowledged the receipt of the money.

Points.

6. First Defendant will prove that she, through fear, and being much troubled, unwillingly delivered up the documents in question.

Second Defendant to prove that Plaintiff did knowingly and willingly transfer the documents to him, for the consideration named by second Defendant; must prove that the documents transferred by second Defendant to Plaintiff were good, and that there existed good reasons at the time for supposing the money on them could be realized by Plaintiff.

The second Defendant will also prove the value of the documents received from Plaintiff.

The third Defendant will prove what amount he paid second Defendant on the said documents, and on what date.

Plaintiff will disprove the above points given to second Defendant.

7. Documents filed on behalf of the second Defendant:—

No. I.—Authenticated copy of the Proceedings held by this Court on 27th June 1853, on Miscellaneous Petition No. 205 of 1852, filed in the Warrant case connected with the Razinama in Suit No. 33 of 1826, on the file of the late Northern Provincial Court.

II.—Agreement dated the 3rd decreasing moon of Adheka Jaista year Kalayukti, corresponding with 31st May 1858, purporting to have been executed by the first Defendant to the second Defendant in the present suit, regarding the liquidation of the amount of the Decrees of the Sudder Court, in Appeal Suits Nos. 15, 16, 17, and 18 of 1841.

III.—Authenticated copy of Miscellaneous Petition No. 31 of 1859, said to have been filed in this Court by the Plaintiff in the present suit on the 2nd February 1859, stating that she transferred and given to the second Defendant the documents, the subject of the present suit.

IV. Do. of Miscellaneous Petition No. 491 of 1859, filed by the Plaintiff in the Civil Court of Masulipatam, on the 2nd December 1859, stating do. do.

V. Do. of the Proceedings of this Court, dated 4th August 1846, held on Miscellaneous Petition No. 117 of 1856, moving for the execution of the Decree in Original Suit, No. 1 of 1843 on this Court's file.

VI. Do. of do., dated 3rd December 1856, on Miscellaneous Petition No. 227 of 1856, filed in the Warrant case connected with Appeal Suit No. 15 of 1841, Sudder Court's file.

8. The question to decide is, whether the bonds in dispute were transferred, *bona-fide*, by Plaintiff to second Defendant or not.

9. It may be as well to state at first, that first Defendant's husband, the late "Ramanadha Babu," died in May 1858, largely indebted to second Defendant, who is a wealthy and influential person, residing at old Guntoor. Before "Ramanadha Babu" died, all his goods and chattels had been seized and publicly sold for debt, and he died an *insolvent*, which was well known in the District by all persons.

10. It appears that during the life-time of Ramanadha Babu, who resided at Amaravati, his daughter, the Plaintiff, after the death of her husband, became possessed of certain valuable bonds, and which, for safe custody, she made over to her father, Ramanadha Babu, after whose death first Defendant, Plaintiff's mother, continued to retain the said documents in like manner, as well as some other documents of another relative by name C. Venkatadri, likewise deposited for safe custody.

11. The second Defendant alleges the documents were transferred to him *bona-fide* by Plaintiff, and not by first Defendant.

12. After second Defendant got possession of the documents, and made out transfers to enable him to realize the money on them, the said Venkatadri having heard of what had taken place, and that his "Razinamahs" had been improperly made over to second Defendant by first Defendant, in whose keeping they were, brought Suit No. 4 of 1860 against the present second Defendant and others, to cancel the alleged transfers, and recover his documents.

13. The second Defendant at first pretended to defend the claim, produced documents and named witnesses to prove the truth of the alleged transfers; when, suddenly, he presented a motion to the Court, giving up his claim to the documents, worth 6,000 Rupees, and requesting they may be given over to the said Plaintiff for his entire use and benefit, alleging he (second Defendant) had made some arrangement!!

14. Shortly after this, the Plaintiff discovering that her bonds, deposited with first Defendant, had been also given up at the same time, upon an alleged transfer instituted this suit.

15. The second Defendant asserts that Plaintiff transferred to him the bonds in dispute, and also those belonging to Venkatadri at one and the same time; that the transaction was one.

16. If these transfers were really genuine, it may be asked why should second Defendant sacrifice Rupees 6,000, and restore Venkatadri his documents? And by this act clearly render it inferrible, that the transfer must have been a fraud, and if so, there can be no doubt but that the present alleged transfer is equally so; the two cases are so intimately connected that they stand or fall together.

17. The second Defendant urges, that when he received the bonds from Plaintiff, valued at Rupees 41,000, he transferred to her documents valued at four lacks of Rupees, more than double the sum he received, stating, as he does, in his deposition before the Magistrate, under date 1st September 1860, that Plaintiff, owing to partiality, would not demand the money due on the bonds from third Defendant; and yet, he gives Plaintiff Decrees in lieu thereof against her own mother's husband, as if the same partiality would not exist towards her own mother! But the fact is, that the Decrees held by second Defendant to the extent of four lacks, were against

first Defendant's husband "Ramanadha Babu," who died an insolvent without a rupee, and, therefore, were no more value than waste paper, whereas the documents held by first Defendant, (or as second Defendant asserts by Plaintiff) were good, and the money capable of being realized from third Defendant, who had executed them to Plaintiff's husband.

18. Though the bonds executed by third Defendant were only for Rupees 41,000, yet, being good, were sought after by second Defendant, in exchange for four lacks of bad debts; and here appears to be the real object of the whole transaction. But it may be asked, is it possible to believe this alleged transaction between second Defendant and Plaintiff? Does not the very idea of such a thing, according to second Defendant's own shewing, appear absurd—so absurd and improbable as to stamp the whole alleged transaction as a fraud? Would Plaintiff sacrifice to second Defendant, a large sum of money for no apparent cause, except as absurdly explained by second Defendant in his deposition on oath before the Joint Magistrate.

19. It is now time to notice second Defendant's evidence both documentary and oral.

20. The second Defendant has put in a "Kararnamah," document No. 2, purporting to have been given by first Defendant to himself on 31st May 1859; the wording of which is so improbable and cunning as clearly not to be that of a woman. The first Defendant is made, among other matters, to admit the debts of her late husband, to allege also that she had come into possession of all his property, and likewise consenting to pay the debts by instalments, &c. The evidence, to this document is most suspicious and improbable; that first Defendant should, as a Gosha woman of rank, appear in public, and more especially to strangers, only a few days after her husband's death, must be false.

21. Subsequently, in September 1860, this very second Defendant on oath before the Magistrate, deposed that first Defendant possessed no property of her late husband whatever, and though he (second Defendant) had obtained warrants to seize any property of the late Ramanadha Babu, yet had failed in finding any thing; how, therefore, could second Defendant receive such a document as No. 2, the contents of which he knew at the time were quite false, and that first Defendant had succeeded to no property of her late husband, who died an insolvent.

22. The stamp paper upon which the said document is written, is dated, as sold, on 17th May at Guntoor, whilst first Defendant's husband died on the 14th May at *Amaravati*, twenty miles distance.

23. It is alleged that second Defendant proceeded to *Amaravati* after the death of Ramanadha Babu, so he would not have reached there before the 15th or 16th; and then had to talk over affairs with first Defendant; it is hardly possible, therefore, for the parties to have procured a stamp from *Guntoor*, so that the document should have been executed at "*Amaravati*," twenty miles distance, on the 17th, allowing for all expedition.

24. The inference is, that prior to second Defendant leaving for *Amaravati*, the stamp paper was purchased, the object having been anticipated, for the document itself is dated 31st May.

25. Also the "Vakalatnamah" presented by Plaintiff's Pleader to the Court, (who is now second Defendant's Pleader,) on 2nd February, stating the transfers of documents had been made, is dated 31st January 1859, whereas the motion document, No. 3, said to have been presented by Plaintiff, regarding the transfer, was presented on the 2nd February, and also dated 2nd February.

26. So according to this, the Vakalatnamah was prior to the transfer, regarding the accomplishment of an act that had not apparently then taken place, as it is alleged by the second Defendant's Vakeel when asked, that the transfer took place on the 1st of February; and that the Pleader admits he did not see the Plaintiff at Guntoor, but received the Vakalatnamah by one "G. Lachminarsu," who is now not forthcoming, though a summons was sent for him, and also the second Defendant's third witness, who is said to have attested the Vakalatnamah, has disposed contrary to the writer of it; and the other attesting witness, though summoned, failed to attend.

27. Moreover, this "Vakalatnamah" shews it was written at "*Amaravati*," twenty miles from Guntoor, whereas all the second Defendant's witnesses allege, it was written at Guntoor by Suraya (witness for Court), and that the Vakalatnamah, motion document, and transfer documents were all written at one and the same time by the said Suraya, whereas Suraya on oath states he wrote them at *different times*.

28. It is also to be remarked, that the original Petition said to have been presented by Plaintiff's Pleader to Court, on 2nd February 1859, shows that Plaintiff was then at Guntoor according to the sale endorsement on the stamp paper, and other evidence.

29. Whereas on 3rd February, the same person purchased another stamp, the endorsement on which shews, that Plaintiff was at "*Amaravati*," twenty miles off; the said person was summoned by the Court to explain matters, but failed to attend. It is also both significant and remarkable that one of the stamp papers presented by second Defendant, included in document No. 3, was purchased for Plaintiff.

30. The then Vakeel for second Defendant, when called upon, could not explain how Plaintiff's stamp paper came into second Defendant's possession; the probability is that second Defendant's influence was so great that he had power to cause the endorsement on stamp paper to be made as he pleased, and that this stamp was procured for some improper object and used by mistake.

31. The transfer of the bonds is said to have taken place at Guntoor on the 1st February or 2nd February. That Plaintiff, though a woman of rank and a Gosha woman, and though never appearing in public, is said to have come to Guntoor from her village (*Sandarlapad*), upwards of thirty miles from Guntoor, to second Defendant's house, without any male or female attendant of her own, and to have sat publicly exposed to many persons during the alleged transfer of the documents, violating all existing custom, is so incredible that no credence can be given to such allegations.

32. All the witnesses examined for second Defendant are either begging Bramins, or persons more or less under the power and influence of second Defendant, that their evidence cannot be trusted, besides being in parts very contradictory.

33. The Plaintiff denies in toto all the second Defendant's allegations, and has produced evidence to shew she was not at Guntoor when the alleged transfer took place, and asserts that the documents said to have been presented by her, are *all fabrications*.

34. The first Defendant admits she had possession of, and that she gave up, the documents through intimidation, and has produced evidence to shew how second Defendant surrounded her house, and made a prisoner of her, until he had accomplished his purpose.

35. The Court granted second Defendant a warrant to seize any property he could point out, as belonging to the first Defendant's husband, the late "*Ramanadha Babu*," when he (second Defendant) apparently took the opportunity of so annoying first Defendant, aided by her mother-in-law Parvatamma and others, that he succeeded in obtaining the documents in dispute, together with those of "*Venkataadri*," which he so suddenly renounced and gave up, though the very motion said to have been presented by Plaintiff (Document No. 3) contained the alleged *bona-fide* transfer of the said documents, as well as those now in dispute.

36. There appeared to the Civil Judge, during the investigation of this matter, so many suspicious circumstances and many points to be cleared up by the second Defendant, that second Defendant was personally warned by the Civil Judge that his attendance would be required, to answer certain questions, and shortly afterwards, when a summons was sent for his attendance, his own brother endorsed the summons that his brother had *left Guntoor*, and that he did *not know where he had gone*; but would cause his attendance in a few days, but failed to do so, and it became subsequently known to the Court, that second Defendant had absconded to avoid appearing before the Court.

37. The second Defendant by this conduct placed himself under the provisions of Section 170 of the Civil Procedure Code, and the Civil Judge has power to act against second Defendant accordingly.

38. The third Defendant produced two respectable witnesses, who deposed to third Defendant having, at different times, paid the sum of Rupees 78,800, including principal and interest, on the bonds, and had taken back the bonds from second Defendant, and that they are now not forthcoming to produce to the Court.

39. It would have been satisfactory to have had the said bonds produced to the Court to examine the endorsements, and alleged transfers; but the Vakeel for third Defendant says they are destroyed.

40. It would almost appear from this, that second and third Defendants have in some respects colluded.

41. It may be remarked that had Plaintiff been duped, and really received these worthless documents in lieu of her good bonds, that after discovering the matter, she would not only file a suit, but produce the said bad Decrees; but they are not forthcoming, and Plaintiff asserts they were never in her possession.

42. Again why, if she (Plaintiff) of her own free will and consent transferred the documents to second Defendant, should she now file this suit denying the whole transaction.

43. From the best consideration the Civil Judge can give this suit, he is of opinion, from the statement of the parties themselves, from the documents, and from the oral evidence and all the circumstances connected with the case, that the alleged transfers are entirely false.

44. That second Defendant possessing four lacks of bad Decrees due by first Defendant's late husband "Ramanadha Babu," did possess himself of the bonds in dispute in an illegal manner from first Defendant as some liquidation for the bad debt, and that second Defendant's own version of the matter is utterly improbable, and in many respects and points quite inexplicable and irreconcilable; also the second Defendant having absconded instead of appearing before the Court to clear up difficulties, and to answer for himself, throws strong suspicion on the whole affair, and tells much against him, and the truthfulness of the alleged transfers and documents.

45. Furthermore, it is a suspicious circumstance that second Defendant did not name the writers or attesting witnesses to the alleged transfers, but only some persons who are said to have been present, and one attesting witness, who is the servant of the very woman who has been assisting second Defendant throughout to procure the documents.

46. The alleged presentation of document No. 4 by Plaintiff to the Court of Masulipatam, is most suspicious, and altogether unnecessary, and, moreover, it was presented ten months after the alleged transfers had taken place, and no proof has been adduced to establish the authenticity and truthfulness of the said document.

47. The Civil Judge, therefore, decrees that second Defendant do restore the bonds he obtained to Plaintiff, or in default thereof, that he do pay Plaintiff the sum of Rupees 78,800, being the sum which he has received on the bonds from third Defendant, (including both the principal and interest,) and all costs of suit.

(Signed) T. ONSLOW,
Civil Judge.

1863,

March 14th.

R. A., No. 50 of 1861.

ON THE APPELLATE SIDE (a).
Regular Appeal No. 50 of 1861.

Putur Ananda Row,

Chava Veraniab, widow of Paspiab,

Appellant.

Respondent.

This is a Regular Appeal from the decision of T. Onslow, Esq., the Civil Judge of Guntur, in Original Suit No. 2 of 1861.

Norton for the Appellant, the second Defendant.

Branson, Venkataramulu Nayudu, and Caruvogara Manureen, for the Respondent, the Plaintiff.

(a) Present—Strang and Holloway, J. J.

The Court delivered the following Judgment:—

Suit brought to recover documents or their value, the property of Plaintiff wrongfully obtained by second Defendant from Plaintiff's mother and bailee the first Defendant.

First Defendant admitted the surrender under pressure of a warrant which was being executed against her person and property at the suit of second Defendant.

Second alleged that the documents were transferred to him by Plaintiff for a good consideration, and that he had received their value from third Defendant.

The third answered as the second.

The Civil Judge discredited the evidence adduced of this alleged transfer, and decreed for Plaintiff.

Mr. Norton was heard at great length for the second Defendant in Appeal.

The only question is whether the transfer of these documents really took place, for we have nothing whatever to do with the suggestion that the documents were really the property of Ramanadha Babu, the husband of first Defendant. The witnesses who speak to the transfer are discrepant upon very noticeable points. They are, moreover, dependants of a person clearly at enmity with the Plaintiff. Their testimony, in itself entitled to no weight, is wholly unsupported by evidence, either written or oral, of the preliminary negotiations which must have taken place before Plaintiff, resident at a distance, consented even for the purpose of relieving the pressure upon her own mother consented to surrender valuable property in consideration of the return of decrees of which the execution had proved wholly impracticable. The witnesses who depose to this singular transaction are men of a very low condition of life, who would scarcely have been selected as witnesses of a transaction of such importance. It appears to be conceded, that the documents of another son-in-law of the deceased Ramanadha, were given up by first to second Defendant, under the same pressure. The second Defendant was compelled to abandon all right to those documents, and Plaintiff alleges that the suit in which this was done was the first notice which she received of the transaction which the second Defendant was seeking to set up against her. We do not consider that statement at all improbable, and we are unable to see that there was any such delay in challenging the transaction, to throw suspicion upon her present suit. The documents purporting to be petitions of the Plaintiff to the Courts of Guntur and Masulipatam, appear to us liable to the greatest suspicion. There was no necessity whatever for their execution; for, until the documents were put in suit, the fact of the transfer was one with which the Court had nothing to do. Nor was it necessary to inform the Court of the surrender of the decrees, for they were clearly not executable upon the Plaintiff; the only person in any way concerned in them were the first and second Defendants. Nothing is easier, and we regret to say nothing more common, than the presentation of petitions of this character in the names of others. The operation becomes more than usually easy where the owner of the name used is, as in the case of Plaintiff, a woman secluded from the world, whose own relations are parties to the fraud practised upon her; we consider that the Civil Judge has most properly refused to attach any weight whatever to these documents. The alleged destruction of the documents bearing the endorsement of the Plaintiff, is another most suspicious feature of this case. The combination of the second and third Defendants is clearly shown by the whole course of the suit.

Even if the amount payable upon these documents had been discharged, it requires no very extensive knowledge of native customs to know that nothing would have induced the third Defendant to destroy or mislay them.

It is quite clear to us that this allegation is simply made to get rid of the necessity of producing them. The failure of second Defendant to attend to answer the questions of the Court, is another very noticeable circumstance. It arose doubtless from his objection to state, on oath, the clearly fictitious transaction which he had caused others to state. The practice of purchasing

8 *Proceedings of the Madras Government, Revenue Department,*
16th February 1866

stamps in Plaintiff's name is curiously exhibited by the presentation of two stamps so purchased for the copy of a document actually filed as an exhibit in this case. Perfectly satisfied with the conclusion at which the Civil Judge has arrived, we dismiss this appeal with costs.

By order of the Court,

(Signed) T. WILKINS,
Acting Deputy Registrar.

Translation.

Miscellaneous Petition No. 355 of 1865.

Extract from the Proceedings held by the
Civil Court at Guntur, on the 27th September
1865.

Read Petition presented by Toliti Purushottamayya, Government Vakeel, setting forth that the Decree, in Appeal No. 50 of 1861, High Court's file, which was held by Vasireddy Lakshmi-putty Naidu might be answerable to the costs of the Appeal Suit conducted in England, regarding the Vasireddy estate; that he learnt that he (Lakshmi-putty Naidu) transferred it to Mungamuri Ananta Lakshminarasu Puntulu, and presented a motion in this Court to that effect, and praying that, until orders shall have been issued, the transfer should be overruled without being admitted.

The Government opposes by this Petition alleging, that if the Decree, No. 2 of 1861 of this Court, were transferred, the concern the Government had with Lakshmi-putty Naidu, the original transferee, would be affected.

In reply to that objection, the Pleader on behalf of the present transferee, Mungamuri Ananta Lakshminarasu Puntulu, requests the Court to record that he admitted every order the Court may pass in the present dispute as not legally affecting the rights and interests of Government which are publicly brought to notice by this Petition.

The motion of the transferee is accordingly admitted.

Ordered that a notice be issued to the opposite party under the provisions of Section 216 of the Code of Civil Procedure, to state the reasons why the Decree should not be enforced agreeably to the conditions of the transfer.

(Signed) T. PURUSHOTTAMAYYA,
Pleader.

(True Translation.)

(Signed) T. A. N. CHASE,
Acting Collector.

1. Submitted to Government with reference to their Order, No. 2,797, dated 16th November 1865.

2. The Board suggest that the papers be submitted for the advice of the Government Pleader.

No. 308.

ORDER THEREON, 16th February 1866, No. 420.

Miscellaneous.

The Board's suggestion in paragraph 2 is approved, and Mr. Dale will be requested to submit his opinion as as soon as practicable.

(True Extract.)

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

To the Government Pleader,
,, the Board of Revenue.

Erd. S. T. Angustin.

First Defendant admitted the surrender under pressure of a warrant which was being executed against her person and property at the suit of second Defendant.

Second alleged that the documents were transferred to him by Plaintiff for a good consideration, and that he had received their value from third Defendant.

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The only question is whether the transfer of these documents really took place, for we have nothing whatever to do with the suggestion that the documents were really the property of Ramanadha Babu, the husband of first Defendant. The witnesses who speak to the transfer are discrepant upon very noticeable points. They are, moreover, dependants of a person clearly at enmity with the Plaintiff. Their testimony, in itself entitled to no weight, is wholly unsupported by evidence, either written or oral, of the preliminary negotiations which must have taken place before Plaintiff, resident at a distance, consented even for the purpose of relieving the pressure upon her own mother consented to surrender valuable property in consideration of the return of decrees of which the execution had proved wholly impracticable. The witnesses who depose to this singular transaction are men of a very low condition of life, who would scarcely have been selected as witnesses of a transaction of such importance. It appears to be conceded, that the documents of another son-in-law of the deceased Ramanadha, were given up by first to second Defendant, under the same pressure. The second Defendant was compelled to abandon all right to those documents, and Plaintiff alleges that the suit in which this was done was the first notice which she received of the transaction which the second Defendant was seeking to set up against her. We do not consider that statement at all improbable, and we are unable to see that there was any such delay in challenging the transaction, to throw suspicion upon her present suit. The documents purporting to be petitions of the Plaintiff to the Courts of Guntur and Masulipatam, appear to us liable to the greatest suspicion. There was no necessity whatever for their execution; for, until the documents were put in suit, the fact of the transfer was one with which the Court had nothing to do. Nor was it necessary to inform the Court of the surrender of the decrees, for they were clearly not executable upon the Plaintiff; the only person in any way concerned in them were the first and second Defendants. Nothing is easier, and we regret to say nothing more common, than the presentation of petitions of this character in the names of others. The operation becomes more than usually easy where the owner of the name used is, as in the case of Plaintiff, a woman secluded from the world, whose own relations are parties to the fraud practised upon her; we consider that the Civil Judge has most properly refused to attach any weight whatever to these documents. The alleged destruction of the documents bearing the endorsement of the Plaintiff, is another most suspicious feature of this case. The combination of the second and third Defendants is clearly shown by the whole course of the suit.

Even if the amount payable upon these documents had been discharged, it requires no very extensive knowledge of native customs to know that nothing would have induced the third Defendant to destroy or mislay them.

It is quite clear to us that this allegation is simply made to get rid of the necessity of producing them. The failure of second Defendant to attend to answer the questions of the Court; is another very noticeable circumstance. It arose doubtless from his objection to state, on oath, the clearly fictitious transaction which he had caused others to state. The practice of purchasing stamps in Plaintiff's name is curiously exhibited by the presentation of two stamps so purchased for the copy of a document actually filed as an exhibit in this case. Perfectly satisfied with the conclusion at which the Civil Judge has arrived, we dismiss this appeal with costs.

By order of the Court.

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Acting Deputy Registrar.

ENCLOSURE No. 3.

Translation.

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Civil Court at Guntoor, on the 27th September
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Read Petition presented by Toliti Purushottamayya, Government Vakeel, setting forth that the Decree, in Appeal No. 50 of 1861, High Court's file, which was held by Vasireddy Lakshmi-putty Naidu might be answerable to the costs of the Appeal Suit conducted in England, regarding the Vasireddy estate; that he learnt that he (Lakshmi-putty Naidu) transferred it to Mungamuri Ananta Lakshminarasu Puntulu, and presented a motion in this Court to that effect, and praying that until orders shall have been issued, the transfer should be overruled without being admitted.

The Government opposes by this Petition alleging, that if the Decree, No. 2 of 1861 of this Court, were transferred, the concern the Government had with Lakshmi-putty Naidu, the original transferree, would be affected.

In reply to that objection, the Pleader on behalf of the present transferree, Mungamuru Ananta Lakshminarasu Puntulu, requests the Court to record that he admitted every order the Court may pass in the present dispute as not legally affecting the rights and interests of Government which are publicly brought to notice by this Petition.

The motion of the transferree is accordingly admitted.

Ordered that a notice be issued to the opposite party under the provisions of Section 216 of the Code of Civil Procedure, to state the reasons why the Decree should not be enforced agreeably to the conditions of the transfer.

(Signed) T. PURUSHOTTAMAYYA,
Pleader.

(True Translation.)

(Signed) T. A. N. CHASE,
Acting Collector.

1. Submitted to Government with reference to their Order, No. 2,797, dated 16th November 1865.

2. The Board suggest that the papers be submitted for the advice of the Government Pleader.

(True Copies and Extract.)

[Signature]

Secretary.

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

Copy to T. A. N. Chase, Esq., Acting Collector of the Kistna District.

W-420.

The Board's suggestion in

para 2 is approved, and is

Mr. Dale will be requested to

submit his opinion as soon as

practicable.

16-2-66.

[Signature]

For the Govt. Pleader Secy to Govt
14th Feb 1866
14th Feb 1866
14th Feb 1866

Recd 16 Dec 1865 No 255-6