M.R.O. 1—82,000—18-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 3189 Press ~~Ins.~~

361-62.
Dated 22-12- 19 1868

Not to be folded or roughly handled

No. 361. Read the following letter from the Government Pleader, to the Acting Secretary to Government, Revenue Department, Fort St. George, dated Madras, 11th December 1868, No. 194 :—

1. With reference to the Order of Government noted in the margin, I have the honor to report, for the information of Government, that the Petition (Civil Miscellaneous Petition, No. 297, of 1868) filed by me in connection with the Appeal (Regular Appeal, No. 18, of 1868,) from the decision of the Civil Court of Rajahmundry, in the matter of the Viravallipallem Estate, came on for hearing on the 9th instant before the Chief Justice and Mr. Justice Ellis.

Dated 12th October 1868, No. 2,623.

2. Counsel for the parties to the appeal applied for a Decree in the terms of the award made by the arbitrators. The Court, after hearing me, decided that there having been no irregularity in the reference to arbitration, and no proof of any attempt at a fraud upon the Court, there was no ground for staying the proceedings, which could not prejudice any rights of Government, who were not parties to the suit, and that a decree must be made in accordance with the award under the provisions of the Civil Procedure Code.

3. I shall forward a copy of the Decree upon the award, as soon as I can obtain one. In the meantime I may mention that the effect of the award is to establish the validity of the adoption asserted by the Plaintiff in this Suit. If, therefore, Government should still desire to dispute the adoption, the only course left open is the alternative one suggested by my predecessor in his letter noted in the margin, namely, to file a separate suit to set aside the adoption and obtain a declaration of the reversionary title of Government to the Estate. Before, however, any such suit is instituted, enquiry should be made whether there are any collateral heirs of Venkata Row, from whom the last proprietor of the Viravallipallem Estate derived it by adoption. If there are, Government have no claim to the reversion, and consequently no *locus standi* to dispute the adoption.

Dated 24th September 1868, No. 155.

4. I concur, however, with my predecessor in thinking that any such suit is at present unnecessary, and, moreover, it appears to me that it would be unadvisable for the following reason:—The late decision of the Privy Council in the Ramnad case (a report of which will be found at page 298 of Volume III. of the Madras Jurist) establishes the principle that, according to the law prevailing in Southern India, a Hindu widow, even if she have not her husband's express permission, may adopt a son with the consent of her husband's kindred. Supposing, therefore, that the Government should succeed by such a suit as before referred to in setting aside this adoption, the widow might immediately adopt again with the consent of her husband's kindred, and thus effectually exclude Government from the reversion; and if there is, as alleged, a collusion between the parties, there can be little doubt that this would be done. On the other hand, if matters are left in *statu quo* until the death of the widow, the Government will then be able, if this adoption is invalid, and there are no collateral heirs of Venkata Row, to claim the estate as an escheat.

Proceedings of the Madras Government, Revenue Department, 22nd December 1868.

No. 362. ORDER THEREON, 22nd December 1868, No. 3,189.

Miscellaneous.

The Government do not consider it advisable or necessary to take any further steps in the matter.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Government Pleader.
the Board of Revenue.

Exd. S. T. Augustin.

Revenue Department

Proceedings of the Madras Government

Under date the 22nd December 1868.

Read the following

Letter from the Government

Pleader

Returning transcript of application for leave to appeal to High Court in Suit No. 18 of 1868 from the Civil Court of Rajahmundry, concerning Viravallipallem Estate.

(G.C. 11 Dec. 1868 No. 194)

The Government

do not consider it advisable

to incur unnecessary to take

any further steps in

the matter.

Govt. of {1868} Madras.

REVENUE.

To

THE GOVERNMENT PLEADER,

&c., &c., &c.

Dated December, 22nd.

Recd. Encl.

G. O., 22nd December 1868, No. 3,189.

DECEMBER.

Nos. 361-362.

Viravallipallem Estate Suit in Godavery District.—Report of the Government Pleader on the decision of the High Court. Government Pleader informed that it is not necessary to take further steps in the matter.

Revenue 1868 Dept.

No. 3189

Proceedings of the Madras Government

Dated 22nd December 68

361 & 362