

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	815	Press ~~Min~~
525-22 Dated	27-3-	18 68

Not to be folded or roughly handled

him the heir of the husband or of the widow.
 3. He says he is Stri Runga Natchiar Amangar's brother's son, and the grandson of her husband's sister, and consequently the principal heir; but in law neither of these positions constitutes by any one as a bar to his raising the question again.

judgment in *rem* he is concluded thereby, and it may be pleaded
 the Court decided that his adoption was invalid. This being a
 suit in this capacity claiming the village of Karchanaga, and
 No. 163 of 1850.
 District Moolvilly, Cuddalore.

2. Vanda Chary alias Appen Venkata Chary claims the estate as heir and as legatee, but his mother. He is not Sivakara, Puthuram (adopted son), for by his own admission he brought a case is that the estate of Stri Runga Natchiar Amangar's husband in which she had only a life interest must be regarded as having escheated to Government on her death in default of heirs.

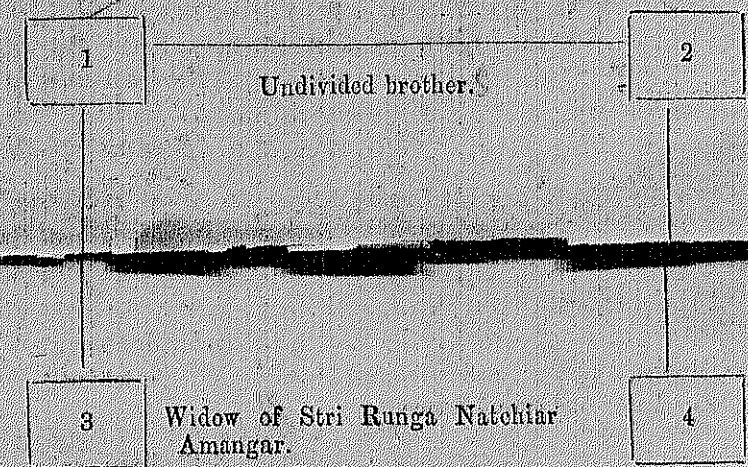
I can conceive the interests of Government to be affected in this
 I have the honour to inform you that the only way in which
 1. With reference to your letter* of the 1st instant, No. 52,
 * Enclosures returned.

From A. MACGREGOR, Esq., Sub-Collector of the Madras District, to the Collector of the Madras District, dated Chingleput, 10th February 1868, No. 31.
 ENCLOSURE No. 2.

(Signed) E. G. R. FANE,
 Collector.
 (True Copy.)
 (Signed) N. KISTNAIAH,
 Court Vakeel.

25th November 1864.
 (True Copy.)
 (Signed) E. G. R. FANE,
 Collector.

ENCLOSURE No. 3.
 Abstract of the case referred to in the Collector's letter, dated 1st February 1868.
 Peria Appooranna Iyengar—Appen Venkata Chary.



Widow of Stri Runga Natchiar Amangar.

Stri Runga Amangar, widow of No. 2.

No. 1 died and was succeeded by No. 2 his brother; No. 2 died and was succeeded by his widow No. 4, who gave a portion of the property to No. 3, and reserved for herself the village of Karchangal, which it appears she sold to one Ramasawmy Moodelly, on the 15th of November 1845, for Rupees 1,200. After the death of No. 4, a suit was brought by No. 3 contesting the validity of the sale. The final judgment was in her favour, and she was put in possession of the village in execution of the decree. Upon this the puttah was transferred to her in Fusly 1275. She then put in a Razinamah, stating that she had sold one-fourth of the village to Kothli Permall Reddy, Sitha Reddy, and Vedu Reddy, and that she had given the remaining three-fourths to her "Abimana Pattaran," Koil Kundada Appen Vencata Charry, and requests that transfer of puttahs might be made accordingly. This Razinamah is dated 9th November 1865. On the 3rd May 1866, an order was passed directing that the usual notice should be issued. No objection having been made, the transfer was ordered January 29th, 1867.

In the meantime, Muttiah Moodelly, son of Ramasawmy Moodelly, the original purchaser, brought a suit against No. 3, Stri Runga Natchiar Amangar, for the recovery of the purchase money Rupees 1,200, and costs in previous suits Rupees 400, and interest from date of plaint. This suit No. 24 of 1864, Civil Court, is now pending.

A person calling himself Vurda Charry alias Appen Vencata Charry, Mirassidar of Karchangal, has now put in a petition in the Civil Court of Chingleput, stating that No. 3, Stri Runga Natchiar Amangar, died in Trichinopoly in November 1866, that he is her heir, that she executed a will in his favour, and that he obtained a certificate of heirship from the Civil Court of Trichinopoly. He therefore applied to the Court to be permitted to defend the aforesaid suit, and also requested the Court to collect the mesne profits of the village of Karchangal, under the decree passed in favour of Stri Runga Natchiar Amangar, Original Suit No. 5 of 1859, Moofy Sudder Ameau's file.

The Court rejected his application and apparently required him to take a fresh certificate in the Court in Chingleput. He then applied for a certificate from the Chingleput Court, and upon this the Judge has issued a Notice to the Collector requiring him to show cause why a certificate should not be granted. This Notice is dated 7th January 1868.

Besides, there is another Notice, dated 28th August 1867, making the Collector a defendant in suit No. 24 of 1864, in which Muttiah Moodelly has sued to recover the purchase money of the original sale of the village of Karchangal which was declared to be invalid.

(Signed) A. MacGREGOR,
Sub-Collector.

(True Copy.)

(Signed) E. G. R. FANE,
Collector.

ENCLOSURE No. 4.

Petition addressed to the Collector by Vurda Charry alias Appen Vencata Charry,
Mirassidar of Karchangal.

1. Appen Peria Appooranna Iyengar of Moraipaukum was the original ancestor who owned the village of Karchangal. He had land and income from disciples in the districts of Madras and

2. He had an adopted son named Appen Pronartarti Harra Charry who enjoyed the income from the disciples and supported his adopted mother, Stri Runga Natchiar Amangar. He, and by an agreement, gave to Stri Runga Amangar, sister-in-law of Stri Runga Natchiar Amangar, a life interest in the village of Karchangal as maintenance.

3. Subsequently this adopted son died, and I as his Abimana adopted son, enjoyed the income from disciples, and continued to support Stri Runga Natchiar Amangar.

*Proceedings of the Madras Government, Revenue Department,
27th March 1868.*

Read the following —

No. 525. Proceedings of the Board of Revenue, dated 28th February 1868,
No. 1,437.

Read the following letter from the Collector of M.
Board of Revenue, dated on Circuit at Pod
No. 53.

1. I have the honor to forward herewith, copies
Natchiar Amangar was under my protection until her death.

7. She made arrangements that after her death I was to inherit all her property including income from disciples, and to perform her funeral rites, and she caused the puttah to be transferred to me for three-fourths of the village, the other one-fourth having been sold to others by Stri Runga Natchiar Amangar and myself jointly.

8. Subsequently, in November 1865, she went to Trichinopoly where she died in November 1866. In the previous month, October, she executed a will in accordance with the arrangement aforementioned, and had it registered.

9. With reference to this, I put in an application in the Civil Court of Trichinopoly, and having proved my heirship, obtained a certificate.

10. I presented this certificate and the will with a petition to the Civil Court of Chingleput, requesting that the amount due as mesne profits of the village subsequent to the decree in Suit No. 5 of 1859, in which Stri Runga Natchiar Amangar was plaintiff, might be collected, and that I, as her heir, might be permitted to defend the suit in Civil Court No. 24 of 1864 now pending. The Civil Judge, contrary to justice, passed an order requiring me to take out a fresh certificate, and directing that you should be made a supplemental defendant.

11. I am Stri Runga Natchiar Amangar's brother's son, and the grandson of her husband's sister, and consequently her heir. Moreover, her cousins have admitted the aforesaid document wherefore I, as principal heir, have put in a petition in the Civil Court of Chingleput to establish the certificate obtained from the Court at Trichinopoly.

12. If you will be pleased to send for and peruse the documents filed by me in suit No. 24 of 1864, the truth may be ascertained.

(True Translation.)

(Signed) A. MacGREGOR,
Sub-Collector.

(True Copy.)

(Signed) E. G. R. FANE,
Collector.

ENCLOSURE No. 5.

ABSTRACT.—Copy of an Order received from the Civil Court of Chingleput.

ENCLOSURE No. 6.

ABSTRACT.—Copy of a Notice received from the Civil Court of Chingleput, in Original Suit
No. 24 of 1864.

ENCLOSURE No. 7.

ABSTRACT.—Copy of a Notice received from the Civil Court of Chingleput in Original Suit
No. 24 of 1864.

1. The Collector's letter, with its enclosures, will be forwarded to the Government Pleader, with the request that he will favour the Board with his advice as to the course which the Collector should pursue.

2. The Collector should at once apply to the Court for further time.

(True Copies and Extract.)

(Signed) R. A. DALYELL,
Secretary.

To the Officiating Government Pleader,
with three original enclosures.
Copy to the Collector of Madras.

Exd. T. Cartledge.

*Proceedings of the Madras Government, Revenue Department,
27th March 1868.*

Read the following:—

No. 525. Proceedings of the Board of Revenue, dated 28th February 1868,
No. 1,437.

Read the following letter from the Collector of Madras, to the Secretary to the
Board of Revenue, dated on Circuit at Poodoovoil, 18th February 1868,
No. 53.

1. I have the honour to acknowledge with copies of two Notices received from
Dated 28th Feb. 1868, No. 1,437. of the three original enclosures which accompanied them, request-
ing my opinion as to the course which the Collector of Madras
should pursue with reference to the Original Suit No. 24 of 1864, on the files of the Civil Court of
Chingleput, to which he had been added as a supplemental defendant; and also with reference
to the application of Vurda Charry, alias Appen Venkata Charry, for a certificate of heirship to
Stri Runga Natchiar Amangar, the deceased first defendant in that suit.

2. In reply I have the honour to advise that the course to be pursued by the Collector, as a
defendant in the Original Suit No. 24 of 1864, above referred to, will depend entirely upon whether
the Government will resolve to insist upon the escheat, which has taken place. If the escheat is
claimed by the Government, the Collector's answer should set up the claim and the circumstances
under which it has arisen. It should, moreover, deny the plaintiff's right to recover the sum sued
for, either as a charge upon the estate, or as due from the Government, as the owners of the estate.
It is abundantly clear that, whether the Government or Vurda Charry are the present owners of the
village of Karchangal, the plaintiff cannot recover from either of them the money which his father
improperly paid to Stri Runga Ummall, a person who had no title to sell the village. The answer
should, moreover, proceed to claim as a set-off against the plaintiff's demand, (but with a view to
its validity,) the amount which he has received for mesne profits of the village from the date of the
Decree in Original Suit No. of 1859, in the Mooffi Sudder Ameen's Court to the date of execution
of that Decree.

3. If, however, the Government do not insist upon the claim by escheat, the Collector should
appear, and in his written Statement mention in whom the estate is now vested and how, and
disclaim all interest as owner.

4. With regard to Vurda Charry's application for a certificate of heirship, I have the
honour to advise that, if it is limited to the recovery of debts due to Stri Runga Natchiar Aman-
gar in her life-time, the Collector should not interfere in opposing the grant. If the Government
insist upon the escheat, he should appear, however, on the application for the purpose of seeing
that the certificate is not improperly made to include either the village or any sums of money in
the nature of mesne profits since Stri Runga Natchiar Amangar's death. As far as I can gather,
it was quite unnecessary to give the Collector notice of the application for the certificate. But now
that it has been given, and if the Government claim the village by escheat, he had better appear
upon the application as above suggested. If the Government make no such claim, he need not
appear.

to report on this point at once. Government desire to claim the escheat, but Mr. Fane will be directed

(A true Copy and Extract.)

To the Secretary to Government, Rev. Dept.,
with copy of Board's Procs., dated 28th Feb. 1868, No. 1,437.
Copy to the Collector of Madras.
to the Government Pleader.

Secretary.

PROCEEDINGS OF THE BOARD OF REVENUE.

1868.

Department.

No.

Dated 28th February 1868.

No. 1,437.

Forwarding to Government Pleader, letter
from Collector of Madras regarding O. S. No.
24 of 1864, on the file of the Civil Court, with
a request to favour the Board with his advice as
to the course which Collector should pursue.

Copy to the Secretary to Govt. Rev. Dept.
with copy of Board's Procs. dated 28th Feb. 1868, No. 1,437.
Copy to the Collector of Madras.
to the Government Pleader.

With his letter, dated 18th February 1868, the Collector of Madras forwarded copies of two notices, received from the Civil Court of Chingleput, in one of which he was required to state whether he objected, and if so, on what grounds, to the grant of a certificate of heirship to one Vurda Charry *alias* Appen Vencata Charry; and in the other, he was informed that he was to be a supplemental defendant in Original Suit No. 24 of 1864 on the file of that Court; and the Board were requested to advise the Collector as to the best course to be followed in both cases.

3. The Board considered it desirable to refer the matter for the opinion of the Government Pleader, whose reply is recorded above.

4. The Board will allude briefly to the main facts of the case.

5. There were two undivided brothers who, amongst other property, held the village of Kar-changal which on the death of the first, descended to the second brother. The latter also died and his widow (Stri Runga Amangar) succeeding to the whole property, gave a portion of it to Stri Runga Natchiar Amangar, the widow of her husband's elder brother who died first, and retained the village in question for herself. She, however, subsequently sold this village, (without a right to do so, however, as she had only a life interest in it,) and on her death the other widow (Stri Runga Natchiar Amangar, the first defendant in the suit now under consideration) went to law, and was finally put in possession of the village by a decree in Original Suit No. 5 of 1859, on the Moofli Sudder Ameen's file; and a puttah was granted to her in Fusly 1275, A. D. 1864-65.

6. But the last mentioned widow, also, appears to have acted improperly in respect of the village six years after she had got possession of it; for in 1865 she presented a razinamah to the Revenue authorities, stating that she had sold one-fourth of it to certain parties, and given the remainder to her "Abimana Pattaran," Vurda Charry, (the party who now seeks a certificate of heirship,) and requesting that the necessary transfer of puttahs might be made.

7. The usual notice was issued, and no objection having been made, the transfer was sanctioned on the 29th January 1867, by the Acting Sub-Collector, apparently in ignorance of the real facts of the case.

8. The Board, however, consider with Mr. McGregor, the present Sub-Collector, (paragraph 6 of his letter, dated 10th February 1868, No. 31,) that the arrangement being prejudicial to the reversionary right of Government, and having been made without authority, the Government have not been prejudiced thereby; and that the claim of Vurda Charry to the village, as heir and legatee of Stri Runga Natchiar Amangar, who is said to have died in 1866, can be successfully opposed on the grounds set forth in paragraphs 2, 3 and 4 of the letter quoted above.

9. The Collector is of opinion that the village might be allowed to go to Vurda Charry, as he holds a puttah for it; and that the interest of Government would be sufficiently protected by his being maintained in possession; and should Government decide on this course, it will be unnecessary for the Collector to appear on the notice for the issue of the certificate sought by Vurda Charry; but as regards Original Suit No. 24 of 1864, he should put in a written Statement to the effect pointed out in paragraph 3 of the Government Pleader's letter.

10. On the other hand, if Government desire to claim the estate, the Collector will have to appear on account of both the notices, and abide by Mr. Brockman's advice in paragraphs 2 and 4.

11. The extended time for filing the answers expired on 1st March 1868, but the Collector has been instructed to file the answers on or before 1st March 1868.

5. Upon the facts appearing upon the papers embodied in the Proceedings of the Board above noted, it seems clear that an escheat has occurred. It is for the Government to determine whether they will make any claim upon it. I have already indicated the course to be pursued by the Collector upon the determination of the Government either way. If my suggestions are not sufficient to enable the Collector to prepare his own written Statement, and if I am required to draft it for him, I shall be prepared to do so on hearing what such determination is.

6. The three enclosures which accompanied the Proceedings of the Board are herewith returned.

Proceedings of the Madras Government, Revenue Department. 27th March 1868.

Read the following:—

No. 525. Proceedings of the Board of Revenue, dated 28th February 1868, No. 1,437.

Read the following letter from the Collector of Madras, to the Secretary to the Board of Revenue, dated on Circuit at Poodoovill, 18th February 1868, No. 53.

1. I have the honor to forward, herewith, copies of two Notices received from the Civil Judge of Chingleput, the one asking what objection I have as the representative of Government to grant a certificate of heirship to one Vurda Charry, *alias* Appen Vencata Charry, and the other making me a supplemental defendant in Original Suit No. 24 of 1864, on the file of the Civil Court.

2. Before answering the former, I wish to have the Board's opinion. The facts of the case are fully set forth in a letter from the Sub-Collector, dated 10th February 1868, and the abstract of the case which accompanied it, copies of which are herewith sent.

3. My opinion is that the property left by the deceased widow, Stri Runga Natchiar Amangar, might very properly be allowed to go to the person that claims it, viz., the above said Vurda Charry, *alias* Appen Vencata Charry, as he already holds a Puttah for it, and the interest of Government would be sufficiently protected by his being maintained in possession. If this is allowed, the certificate asked for can be granted to Vurda Charry, *alias* Appen Vencata Charry, and as regards the suit it may be allowed to go on *ex parte* as far as the Government is concerned.

4. If this is not allowed, and the Board differ from my opinion, I request they will be good enough to get the Government Pleader to draft an answer to the suit that must then be defended by Government, on the grounds that the estate has escheated to them.

5. I also forward translation of the plaint and of a petition presented to me by Vurda Charry, *alias* Appen Vencata Charry, and a copy of the Court's Order making me supplemental defendant in the suit.

P. S.—The time allowed by the Court for filing the answer to the suit expires on the 28th February 1868, and that allowed for filing answer to the motion of Vurda Charry, *alias* Appen Vencata Charry expires on the 23rd February 1868. I have applied to the Court for further time until the 7th March next.

Amount of Suit, Rupees 1,600.

To the Civil Court.

Plaintiff.

Muttiah Moodelly, son of Ramasamy Moodelly, residing at Koochicaloor, in the Madhavam talook, in the District of South Arcot, and a cultivator by profession.

Defendants.

1. Stri Runga Natchiar Amangar, wife of Koll Ranthudu Peria Appoosanna Iyengar, residing in the village of Oobayavethanthuram, in Nannilam talook, in the Conjeevaram district, at the village of Motalaalam, in the Madhavam talook of the Chingleput District, being a cultivator by profession.

2. Seroogoonram, Naghava Charriar, Gumatsh of the said Stri Runga Natchiar Amangar, residing at Streepennadur, in the Conjeevaram talook.

*Proceedings of the Madras Government, Revenue Department,
27th March 1868.*

Plaint respectfully presented by Kistna Row, Vakeel on behalf of the plaintiff.

Plaintiff claims from the defendants Rupees 1,200, being the amount of sale bond executed for the purchase of the village of Karchangal, and Rupees 400, being part of the costs incurred and paid into the Court by the plaintiff in connection with a suit filed regarding the said sale, being in all Rupees 1,600. Plaintiff foregoes his claim to the balance of the costs.

1. Peria Appooranna Iyengar, husband of the first defendant, and Appen Vencata Charriar, his undivided brother, were sons of the same mother; of these, the husband of the first defendant died first, and the whole of the family property descended to his younger brother the said Appen Vencata Charriar; the latter also subsequently died, and at his death the family property was inherited by his widow Stri Runga Ummal. This lady put the whole of the family property in possession of the first defendant, the wife of Stri Runga Ummal's husband's brother, and retained in her possession the village of Karchangal, in Madurantakam talook, for her maintenance, and also some other landed property; but this landed property was mortgaged by her, and in order to redeem this mortgage, and also to defray certain other expenses of hers, she borrowed money from the plaintiff's father, for the liquidation of which debt the said Stri Runga Ummal sold the village of Karchangal to the plaintiff's father for Rupees 1,200 on the 15th November 1845. She also put the plaintiff's father in possession of the village, and caused the Pattah to be issued in his name.

2. The plaintiff's father during his life-time, and subsequent to his death the plaintiff himself had in possession of the village; and on the death of Stri Runga Ummal, a suit was filed by the first defendant in the late Moofy Sudder Ameen's Court in No. 6 of 1859, against plaintiff and some others, alleging that the property sold by the said Stri Runga Ummal was family property, and that the sale of such property by her was illegal. The matter went as far as the High Court, and on the 28th November 1863 a final decision was passed in her favor cancelling the sale by the late Stri Runga Ummal. The property of the late Stri Runga Ummal having been accordingly transferred to the first defendant, she later became, from the 30th November 1863, liable to the plaintiff for the following amounts with interest thereon viz. Rupees 1,200, being the sale amount of the above-mentioned village, and Rupees 800, being the cost incurred by plaintiff in defending the above suit. But the plaintiff has renounced his claim to Rupees 400, being part of the cost incurred by him in the said suit, and claims the remainder, Rupees 400, which, with Rupees 1,200 the sale amount, makes Rupees 1,600. It is also humbly requested that the defendant may be directed to pay the plaintiff interest for the last said amount from the date of the filing of this suit, up to the day on which the amount of the suit is disbursed to him.

25th September 1864.

(Signed) N. KISTNA ROW,

Court Vakeel.

From A. MACGREGOR, Esq., Sub-Collector of the Madras District, to the Collector of the Madras District, dated Chingleput, 10th February 1868, No. 31.

* Enclosed returns.

1. With reference to your letter* of the 1st instant, No. 62, I have the honor to inform you that the only way in which I can conceive the interests of Government to be affected in this case is that the estate of Stri Runga Natchiar Amangar's husband in which she had only a life-interest must be regarded as having lapsed to Government on her death in default of heirs.

2. Vurda Charry, wife of Appen Vencata Charry claims the estate as heir and as legatee, but he is neither. He is not Sivakana Pattavan (adopted son), for by his own admission he brought a suit in this capacity claiming the village of Karchangal, and the Court decided that his adoption was invalid. This being a judgment *in rem* he is concluded thereby, and it may be pleaded by any one as a bar to his raising the question again.

3. He is a Stri Runga Natchiar Amangar's brother's son, and the grandson of her husband's sister, and consequently the principal heir, but in law neither of these positions entitles him to the part of the husband or of the widow.

*Proceedings of the Madras Government, Revenue Department,
27th March 1868.*

4. He claims the estate as legatee under a will executed by Stri Runga Natchiar Amangar, but here also his position is a false one, for according to the decree of the Privy Council in the Vissanapettah case under Hindu law, even of a Brahmin, has only a life-interest in her husband's estate, and cannot alienate it. Hence the will is invalid so far as it regards her husband's estate, which consequently should lapse to Government as an escheat in default of legal heirs.

5. Under these circumstances, it appears to be expedient that the Collector on behalf of Government should oppose Vurda Charry, alias Appen Vencata Charry's application for a certificate of heirship on the foregoing grounds.

6. It must be here observed that the statement in his petition to the Collector regarding the transfer of Pattah to him for three-fourths of the village of Karchangal is correct. But when Mr. Burnell sanctioned the transfer, he was not aware of the real state of the case, and if he were, he could not, without authority, sanction an arrangement prejudicial to the reversionary interest of Government. His act has not, therefore, compromised Government.

7. There remains to be considered the matter of the suit brought by Muttiah Moodelly against Stri Runga Natchiar Amangar for Rupees 1,200, the amount paid by his father for the purchase of the village of Karchangal, and Rupees 400 costs incurred in previous suits regarding the sale. If the money had in fact been paid, and there appears to be no reason to doubt it, his claim must be regarded as a just one, and ought to be satisfied out of the estate. It would appear from paragraph 10 of Appen Vencata Charry's petition to the Collector, that there is due by Muttiah Moodelly to Stri Natchiar Amangar's estate *mesne* profits of the village of Karchangal

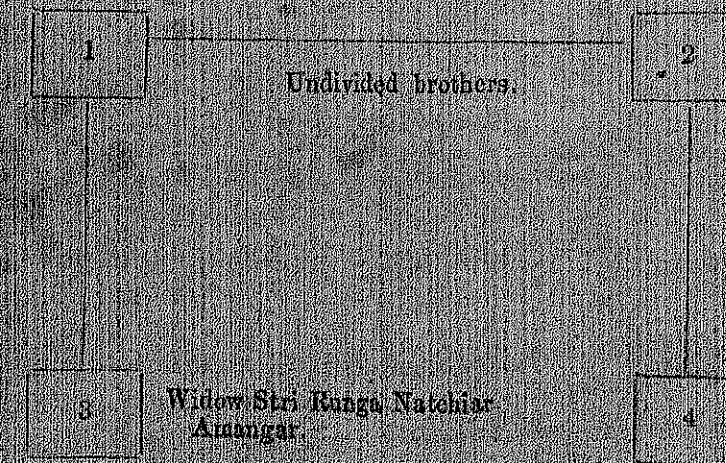
from the date of the decree* to the date of its execution. If this be the case, this amount might be set off against Muttiah Moodelly's

claim under Section 121 of Act No. VIII of 1859. It would be well to ascertain the defence made by Natchiar Amangar in this suit. The papers sent here do not afford sufficient information for drafting an answer, and the time is too short to admit of attempting to ascertain it by inquiry. I therefore can only suggest the line of defence to be taken on behalf of Government as gathered from the papers and sketched above.

8. The record connected with the transfer of Pattah referred to in paragraph 5 is herewith submitted.

Abstract of the case referred to in the Collector's letter, dated 1st February 1868.

Peria Appooranna Iyengar—Appen Vencata Charry.



Stri Runga Amangar, widow of No. 2.

*Proceedings of the Madras Government, Revenue Department,
27th March 1868*

No. 1 died and was succeeded by No. 2 his brother; No. 2 died and was succeeded by his widow No. 4, who gave a portion of the property to No. 3, and reserved for herself the village of Karchangal, which it appears she sold to one Ramasawmy Moodelly, on the 15th of November 1845, for Rupees 1,200. After the death of No. 4, a suit was brought by No. 3 contesting the validity of the sale. The final judgment was in her favor, and she was put in possession of the village in execution of the decree. Upon this, the Pattah was transferred to her in Fusly 1275. She then put in a Razinama, stating that she had sold one-fourth of the village to Kothi Permall Reddy, Sitha Reddy, and Veda Reddy, and that she had given the remaining three-fourths to her "Abimana Puttaran," Kottai Kundada Appen Venkata Chetty, and requests that transfer of Pattah might be made accordingly. This Razinama is dated 9th November 1865. On the 3rd May 1866, an order was passed directing that the usual notice should be issued. No objection having been made, the transfer was ordered January 29th, 1867.

In the meantime, Mutiah Moodelly, son of Ramasawmy Moodelly, the original purchaser, brought a suit against No. 3, Sri Runga Natchiar Amangar, for the recovery of the purchase money, Rupees 1,200, and costs in previous suits Rupees 400, and interest from date of plaint. This Suit No. 24 of 1864, Civil Court, is now pending.

A person calling himself Varda Chetty, alias Appen Venkata Chetty, Mirasidar of Karchangal, has now put in a petition in the Civil Court of Chingleput, stating that No. 3, Sri Runga Natchiar Amangar, died in Trichinopoly in November 1866, that he is her heir, that she executed a will in his favor, and that he obtained a certificate of heirship from the Civil Court of Trichinopoly. He therefore applied to the Court to be permitted to defend the aforesaid suit, and also requested the Court to collect the mesne profits of the village of Karchangal under the decree passed in favor of Sri Runga Natchiar Amangar, Original Suit No. 5 of 1859, Moofy Sudder Ameen's file.

The Court rejected his application, and apparently required him to take a fresh certificate in the Court in Chingleput. He then applied for a certificate from the Chingleput Court, and, upon this, the Judge has issued a notice to the Collector requiring him to show cause why a certificate should not be granted. This notice is dated 7th January 1868.

Besides, there is another notice, dated 28th August 1867, making the Collector a defendant in Suit No. 24 of 1864, in which Mutiah Moodelly has sued to recover the purchase money of the original sale of the village of Karchangal, which was declared to be invalid.

(Signed) A. MacGREGOR,

Sub-Collector

*Petition addressed to the Collector by Varda Chetty, alias Appen Venkata Chetty,
Mirasidar of Karchangal.*

1. Appen Peria Appannana Iyengar of Morampakam was the original ancestor who owned the village of Karchangal. He had land and income from disciples in the districts of Madras and Chingleput and in Sircarungum and other places.

2. He had an adopted son named Appen Prannanthi Harra Chetty who enjoyed the income from the disciples and supported his adopted mother, Sri Runga Natchiar Amangar. He, and by an agreement, gave to Sri Runga Amangar, sister-in-law of Sri Runga Natchiar Amangar, a life-interest in the village of Karchangal as maintenance.

3. Subsequently, this adopted son died, and I, as his Ahmama adopted son, enjoyed the income from disciples and continued to support Sri Runga Natchiar Amangar.

4. Ramasawmy Moodelly of Koochiplattoor on an alleged sale improperly obtained possession of the said village of Karchangal which had been given to maintain Sri Runga Amangar.

5. I, as the adopted son of the adopted son of Sri Runga Natchiar Amangar, and with her consent, brought a Suit No. 163 of 1850 on the file of the Carangooly District Moonsiff's Court, to get the sale cancelled and obtain possession of the village. Mutiah Moodelly defended the suit. The Court decided that I being the carnal brother of the first adopted son, my adoption was invalid, and that I was not competent to bring the suit.

*Proceedings of the Madras Government, Revenue Department,
27th March 1868.*

6. Subsequently, Sri Runga Natchiar Amangar herself instituted a Suit No. 5 of 1859 on the file of the Moofy Sudder Ameen. The final judgment was in her favor, declaring the sale invalid, and establishing her right to the village, and this decree was executed. Sri Runga Natchiar Amangar was under my protection until her death.

7. She made arrangements that after her death I was to inherit all her property including income from disciples, and to perform her funeral rites, and she caused the Pattah to be transferred to me for three-fourths of the village, the other one-fourth having been sold to others by Sri Runga Natchiar Amangar and myself jointly.

8. Subsequently, in November 1865, she went to Trichinopoly, where she died in November 1866. In the previous month, October, she executed a will in accordance with the arrangement aforementioned, and had it registered.

9. With reference to this, I put in an application in the Civil Court of Trichinopoly, and having proved my heirship, obtained a certificate.

10. I presented this certificate and the will with a petition to the Civil Court of Chingleput, requesting that the amount due as mesne profits of the village subsequent to the decree in Suit No. 5 of 1859, in which Sri Runga Natchiar Amangar was plaintiff, might be collected, and that I, as her heir, might be permitted to defend the suit in Civil Court No. 24 of 1864 now pending. The Civil Judge, contrary to justice, passed an order requiring me to take out a fresh certificate, and directing that you should be made a supplemental defendant.

11. I am Sri Runga Natchiar Amangar's brother's son, and the grandson of her husband's sister, and consequently her heir. Moreover, her cousins have admitted the aforesaid document, wherefore, I, as principal heir, have put in a petition in the Civil Court of Chingleput to establish the certificate obtained from the Court at Trichinopoly.

12. If you will be pleased to send for and peruse the documents filed by me in Suit No. 24 of 1864, the truth may be ascertained.

(True Translation.)

(Signed) A. MacGREGOR,

Sub-Collector

ENCLOSURE No. 5.

ABSTRACT.—Copy of an Order received from the Civil Court of Chingleput.

ENCLOSURE No. 6.

ABSTRACT.—Copy of a Notice received from the Civil Court of Chingleput, in Original Suit No. 24 of 1864.

ENCLOSURE No. 7.

ABSTRACT.—Copy of a Notice received from the Civil Court of Chingleput, in Original Suit No. 24 of 1864.

1. The Collector's letter, with its enclosures, will be forwarded to the Government Pleader, with the request that he will favor the Board with his advice as to the course which the Collector should pursue.

2. The Collector should at once apply to the Court for further time.

*Proceedings of the Madras Government, Revenue Department,
27th March 1868.*

No. 526. Proceedings of the Board of Revenue, dated 19th March 1868,
No. 1,969.

Read the following papers:—

Board's Proceedings, dated 28th February 1868, No. 1,437.

Letter from H. J. BROCKMAN, Esq., Officiating Government Pleader, to the Secretary to the Board of Revenue, dated High Court House, Madras, 13th March 1868, No. 44.

1. I have the honor to acknowledge the Proceedings of the Board noted in the margin, and of the three original enclosures which accompanied them, requesting my opinion as to the course which the Collector of Madras should pursue with reference to the Original Suit No. 24 of 1864, on the files of the Civil Court of Chingleput, to which he had been added as a supplemental defendant; and also with reference to the application of Vurda Charry, *alias* Appen Venkata Charry, for a certificate of heirship to Sri Runga Natchiar Amangar, the deceased first defendant in that suit.

2. In reply, I have the honor to advise that the course to be pursued by the Collector, as a defendant in the Original Suit No. 24 of 1864, above referred to, will depend entirely upon whether the Government will resolve to insist upon the escheat, which has taken place. If the escheat is claimed by the Government, the Collector's answer should set up the claim, and the circumstances under which it has arisen. It should, moreover, deny the plaintiff's right to recover the sum sued for, either as a charge upon the estate, or as due from the Government, as the owners of the estate. It is abundantly clear that, whether the Government or Vurda Charry are the present owners of the village of Karchangal, the plaintiff cannot recover from either of them the money which his father improperly paid to Sri Runga Ummal a person who had no title to sell the village. The answer should, moreover, proceed to claim as a set off against the plaintiff's demand, (but without admitting its validity,) the amount which he has received for mesne profits of the village from the date of the Decree in Original Suit No. — of 1859, in the Moofy Sudder Ameen's Court to the date of execution of that decree.

3. If, however, the Government do not insist upon the claim by escheat, the Collector should appear, and in his written statement mention in whom the estate is now vested, and how, and disclaim all interest as owner.

4. With regard to Vurda Charry's application for a certificate of heirship, I have the honor to advise that, if it is limited to the recovery of debts due to Sri Runga Natchiar Amangar in her lifetime, the Collector should not interfere in opposing the grant. If the Government insist upon the escheat, he should appear, however, on the application for the purpose of stating that the certificate is not properly made to include either the village or any sums of money in the nature of mesne profits since Sri Runga Natchiar Amangar's death. As far as I can gather, it was quite unnecessary to give the Collector notice of the application for the certificate. But now that it has been given, and if the Government claim the village by escheat, he must better appear upon the application as above suggested. If the Government make no such claim, he need not appear.

5. Upon the facts appearing upon the papers embodied in the Proceedings of the Board above noted, it seems clear that an objection occurred. It is for the

*Proceedings of the Madras Government, Revenue Department,
27th March 1868.*

Government to determine whether they will make any claim upon it. I have already indicated the course to be pursued by the Collector upon the determination of the Government either way. If my suggestions are not sufficient to enable the Collector to prepare his own written statement, and if I am required to draft it for him, I shall be prepared to do so on hearing what such determination is.

6. The three enclosures which accompanied the Proceedings of the Board are herewith returned.

ENCLOSURE No. 1.

ABSTRACT.—Copy of Notice received from the Civil Court of Chingleput, in Original Suit No. 24 of 1864.

ENCLOSURE No. 2.

ABSTRACT.—Copy of Notice received from the Civil Court of Chingleput, in Original Suit No. 24 of 1864.

ENCLOSURE No. 3.

ABSTRACT.—Copy of an Order received from the Civil Court of Chingleput.

1. Submitted for the orders of Government.

2. With his letter, dated 18th February 1868, the Collector of Madras forwarded copies of two notices, received from the Civil Court of Chingleput, in one of which he was required to state whether he objected, and if so, on what grounds, to the grant of a certificate of heirship to one Vurda Charry, *alias* Appen Venkata Charry; and in the other, he was informed that he was made a supplemental defendant in Original Suit No. 24 of 1864 on the file of that Court; and the Board were requested to advise the Collector as to the best course to be followed in both cases.

3. The Board considered it desirable to refer the matter for the opinion of the Government Pleader, whose reply is recorded above.

4. The Board will allude briefly to the main facts of the case.

5. There were two undivided brothers who, amongst other property, held the village of Karchangal, which, on the death of the first, descended to the second brother. The latter also died, and his widow (Sri Runga Amangar) succeeding to the whole property, gave a portion of it to Sri Runga Natchiar Amangar, the widow of her husband's elder brother who died first, and retained the village in question for herself. (She, however, subsequently sold this village, (without a right to do so, however, as she had only a life-interest in it,) and on her death, the other widow (Sri Runga Natchiar Amangar, the first defendant in the suit now under consideration,) went to law, and was finally put in possession of the village by a decree in Original Suit No. 5 of 1859 on the Moofy Sudder Ameen's file, and a Puttah was granted to her in Fasly 1275, A. D. 1864-65.

6. But the last mentioned widow also, appears to have acted improperly in respect of the village six years after she had got possession of it; for, in 1863, she presented a Razinamah to the Revenue authorities, stating that she had sold one fourth of it to certain parties, and given the remainder to her "Abimana Putta-ran," Vurda Charry, (the party who now seeks a certificate of heirship,) and requesting that the necessary transfer of Puttahs might be made.

7. The usual notice was issued, and no objection having been made, the transfer was sanctioned on the 29th January 1867, by the Acting Sub-Collector, apparently in ignorance of the real facts of the case.

*Proceedings of the Madras Government, Revenue Department,
27th March 1868.*

8. The Board, however, consider with Mr. MacGregor, the present Sub-Collector, (paragraph 6 of his letter, dated 19th February 1868, No. 31,) that the arrangement being prejudicial to the reversionary right of Government, and having been made without authority, the Government have not been prejudiced thereby; and that the claim of Vurda Charry to the village, as heir and legatee of Stri Runga Natchiar Amangar, who is said to have died in 1866, can be successfully opposed on the grounds set forth in paragraphs 2, 3, and 4 of the letter quoted above.

9. As regards Original Suit No. 24 of 1864, to which the Collector has been made a supplemental defendant, it has been brought by Muttiah Moodelly to recover from Stri Runga Natchiar Amangar, (since dead,) her Gumastah and the Collector, Rupees 1,000; of which a sum of Rupees 1,200 is the purchase money of the village which his father bought from Stri Runga Natchiar Amangar, but of which he was subsequently deprived by a decree of Court in favor of the first defendant in the present suit, as mentioned in paragraph 5 above; and the remainder as costs in previous suits. The plaintiff also prays for interest from date of plaint.

10. The Collector is of opinion that the village might be allowed to go to Vurda Charry, as he holds a Pattah for it; and that the interest of Government would be sufficiently protected by his being maintained in possession; and should Government decide on this course, it will be unnecessary for the Collector to appear on the notice for the issue of the certificate sought by Vurda Charry; but, as regards Original Suit No. 24 of 1864, he should put in a written statement to the effect pointed out in paragraph 3 of the Government Pleader's letter.

11. On the other hand, if Government desire to claim the escheat, the Collector will have to appear on account of both the notices, and abide by Mr. Brockman's advice in paragraphs 2 and 4.

12. The extended time for filing the answers expired on the 7th instant, but the Collector has been instructed to apply for a further extension, in order that the opinion of the Government Pleader might be obtained on the subject, and this has been since done.

13. Mr. Brockman's suggestions appear to be sufficient to enable the Collector to prepare his answers whether or not the Government decide to claim the escheat; but Mr. Fane will be directed to report on this point at once.

No. 927. ORDER THEREON, 27th March 1868, No. 816.

Visc. P. S. S. S.

The Government waive their claim to the village as an escheat.

(True Extract)

(Signed) W. HUBLESTON,

Secretary to Government.

To the Board of Revenue
And Government Pleader.

Amangar.

W-816

The Govt. waive their
claim to the village
as an Escheat.

5/7

Copy to the Govt. Pleader.

Copy to the Govt. Pleader, 27th March 1868.

M. H. S.

W. H.