M.R. O. 1—89,000—16-10-28.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	43	Press ~~Mis.~~
88-89 Dated	8 — 1 —	19 1689

Not to be folded or roughly handled

No. 88. Read the following Proceedings of the Board of Revenue, dated 22nd December 1868.

Read the following letter from the Government Pleader, Madras, to the Acting Secretary to the Board of Revenue, dated Madras, 11th December 1868, No. 193 :—

Dated 7th December 1868.

1. With reference to the Proceedings of the Board, noted in the margin, I have the honor to report 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 Rajamundry in the matter of the Viravallipallem Estate, came on for hearing, on the 9th instant, before the Chief Justice and Mr. Justice Ellis.

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, viz., 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, 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,
8th January 1869.

1. SUBMITTED for the information of Government, with reference to their Proceedings, dated 12th October 1868, No. 2,623.

2. The Board concur with the Government Pleader in considering, that further action on the part of Government is for the present undesirable.

3. The Collector will submit the report alluded to in paragraphs 2 and 3 of the Government Order above quoted, and his attention is for the third time called to paragraph 4 of the same order.

No. 89. ORDER THEREON, 8th January 1869, No. 43.

Miscellaneous.

Recorded with reference to G. O. dated 22nd December 1868, No. 3,189.

(True Extract.)

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

To the Board of Revenue.

Exd. G. A. Turton.

No. 43.

Board's Proc. dated 22nd December 1868

Received 8th January 1869.

Sent 8th January 1869.

Govt. of Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated January, 8th.

Read. Sent.

G. O., 8th January 1869, *No.* 43.

JANUARY.

Nos. 88-89.

Viravallipallem Estate Suit in Godavery District.—Report of the Government Pleader on the decision of the High Court, recorded.

Rec: 1868 Dec 16.

No 4014.

Proceedings of the
Board of Revenue

Dated 22nd December 1868
Despatched 23rd December 1868
Received 23rd Dec 1868

From The Board of Rev
No 29 dated 15th Dec 1868.

(Regular appeal No 18 of 1868

in High Court from decision of Rajahmundry Civil Court relative to Viravelli Pallem Estate in Godavery Dt - Report of result of petition filed in connection with, submitted, and further action on the part of Government in respect to the validity of the adoption asserted by plaintiff considered undesirable -

With order -