Proceedings of the Madras Government, Revenue Department,
20th September 1873.

No. 149. Read the following Proceedings of the Court of Wards, dated 5th September 1873, No. 1,750 :—

Read again Proceedings of the Court of Wards, dated 25th July 1873, No. 1,390.

Read also the following papers :—

Proceedings of the Madras Government, dated 19th July 1873, No. 751, Revenue Department.

ABSTRACT.—*Maniachi Zemindari.*—Approving the Proceedings of the Court of Wards in sanctioning the recognition of Sendura Pandiyan as heir to the —.

From J. W. HANDLEY, Esq., Government Pleader, to H. E. STOKES, Esq., Acting Sub-Secretary to the Board of Revenue, dated Madras, 20th August 1873, No. 133.

I HAVE the honour to acknowledge receipt of the Proceedings of the Court of Wards noted in the margin, referring for my opinion a question as to the succession to the Maniachi Zemindari, and in reply, to submit the following opinion :—

25th July 1873, No. 1,390.

2. Upon the facts stated in this reference, I am of opinion that Subramania Talavar, the eldest surviving son of Bhuloka Pandia Choka Talavar, former Zemindar of Maniachi, is entitled to succeed to the Zemindari in preference to his half brother the whole brother of the late Minor Zemindar. It was decided by the Civil Court of Tinnevelly, in Original Suit No. 25 of 1866, which decision was confirmed on Appeal by the High Court, that there is no special custom in this Zemindari rendering inapplicable the rule laid down in the Oorkad case that succession of sons, other than those of the 1st wife, goes by seniority of age and not by seniority of mothers. The case therefore is governed by the ordinary law of primogeniture regulating the succession to impartible Zemindaries, which has recently been fully discussed and expounded by the High Court, in the Totapulli Zemindari case, reported at page 93 of the 6th Volume of the Madras High Court Reports. According to the principles there enunciated, Bhuloka Pandia Choka Talavar and his sons must be considered as an undivided family, with only this difference from the status of an ordinary Hindu undivided family, that each son becomes entitled by birth, not to a share of the inheritance, but to a right of survivorship in the order of their birth. Subramania Talavar the son of the sixth wife, therefore, being the second son of the Zemindar, became entitled by birth to a right to succeed next to the eldest son the late Minor Zemindar, and that right of survivorship has now vested in possession. It is not the heir of the late Minor who is to be sought for, but the eldest surviving coparcener with him. If his heir were the person entitled to succeed, his mother would have a preferable right to his brother. I have assumed of course that the sixth wife, the mother of Subramania Talavar was the lawful wife of the late Zemindar, and of the same caste and rank as the others.

3. I return the two original enclosures sent to me with the above Proceedings.

Proceedings of the Madras Government, Revenue Department, 20th September 1873.

THE Court resolve to submit the opinion of the Government Pleader to Government. The recognition of the full brother of the deceased Minor Zemindar of Maniachi as his successor must in the opinion of the Court be revoked. This recognition was sanctioned by the Court in their Proceedings, dated 1st July and approved by Government in their G. O., dated 19th July 1873, No. 751. Subramania Talavar the son of the sixth wife of the late Zemindar succeeds as the eldest born of the coparceners, as pointed out by the Government Pleader, and the Court desire to substitute his name for that of Sendura Pandiyan as Zemindar of Maniachi.

No. 150.

ORDER THEREON, 20th September 1873, No. 1,007.

Miscellaneous.

THE Governor in Council approves of the recognition of Subramania Talavar as Zemindar of Maniachi, in succession to his half-brother Subramania Pandia Chocka Talavar, and authorizes the registration of the estate in his name in lieu of that of Sendura Pandiyan.

2. The Collector should not have submitted the case without making the necessary inquiries, as he seems to have done in his letter, dated 27th May 1873, No. 284, upon which the former orders of the Court of Wards and the Government were passed.

(True Extract.)

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

Pro. Court of Wards.

Maniachi Zemindari,
Tanjore Dt.

No 2833

5th Sept 73. No 750 W.

No 1007. 20 Sept 73

The Govt in C approves
of the recognition of Saha
mania Talaver as Zemindar
of Maniachi, on succession
to his half brother Saha
mania Pandia Chocka
Talaver, and authorizes
the registration of the
Estate in his name
in lieu of that of
Sundara Pandiyan.

The Coll. should
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Proceedings of the Madras Government, Revenue Department,
20th September 1873.

to submit the opinion of the Government Pleader

The case without making the necessary enquiries, as he seems to have done in his letter dated 22 May /73 No 284 upon which the former orders of the Court of Wards & the Govt were passed.

(sd) G Ward

To Court of Wards with Enc
Cp 26-9-73

28-9-23.
23-7-[illegible]

Govt. of {1873} Madras.

REVENUE.

To

THE COURT OF WARDS.

Dated September 20th.

Read.

Encl.

G. O., 20th September 1873, No. 1,007.

SEPTEMBER.

Nos. 149-150.

Maniachi Zemindari, in the Tinnevelly District.—Approving the recognition of Subramania Talavar as Zemindar of —, and authorizing the registration of the estate in his name in lieu of that of Sendura Pandiyan.