No. 102. Read the following Proceedings of the Court of Wards, dated 10th June 1873, No. 970 :—

Read the following letter from W. LOGAN, Esq., Acting Collector of Malabar, to J. GROSE, Esq., Secretary to the Court of Wards, dated Calicut, 28th May 1873, No. 135 :—

I HAVE the honour to report the following case for the interference of the Court of Wards.

2. There are two Brahmin families in Ernad Taluq called Ariproth Illom (House) and Karuthetath Illom. Appended is a genealogical list of the two families, marked A, for the reference of the Court.

3. Narayanan Nambudiri, the eighth in descent of Ariproth Illom, was adopted by Shangaram Namburi, No. 1, of Karuthetath Illom in 1013 (1837-38) M. E. He (the adopted son) contracted marriage there and had a son, No. 5. In 1863, this son, when only a few months old, became an orphan. The child is now 10 years old. The exact date of his birth is not yet known, but it will be ascertained hereafter and reported.

4. The assets of Karuthetath Illom are, as per Statement B, approximately estimated as comprising immoveable property to the value of Rupees 51,000 yielding an annual income of Rupees 500 exclusive of encumbrances, and moveable property valued at Rupees 1,000. There is no doubt that the minor is the lawful claimant to the estate. The only surviving member in that Illom besides the minor is the widow Shridevi, No. 2.

In Ariproth Illom there are at present three females surviving, all widows, Nos. 4, 5, and 7.

5. It was alleged that the minor is entitled to inherit the property of Ariproth Illom also, owing chiefly to the fact that, although his father's adoption from that Illom to Karuthetath Illom has extinguished his claims to the estate of the former Illom, still on the death of Vasudevan Nambudiri, No. 3, the only surviving male member of that Illom in 1860, the minor's father, in the absence of other competent members, performed the obsequies and thus secured a claim to the estate. This seems to be an established custom amongst Malabar Namburi Brahmins, but it is said that such heirs can only succeed when the family becomes totally extinct.

6. It appears on inquiry that the minor's father since performing the obsequies of Vasudevan Nambudiri of Ariproth Illom permanently held his residence in that Illom and managed the affairs thereof as the representative of the deceased and was without demur recognized as such by the present living widows. The minor was besides born, and his parents died, in that Illom, where he is to this day maintained by the aforesaid three widows.

7. On the death of the minor's father, in 1863, the widows of both the houses applied for a certificate under Act XXVII. of 1860, which was, however, granted to the widow of Karuthetath Illom under the following order of the Court :—

Order of the Calicut Civil Court, dated, 23rd December 1863, *on petition of Karuthetath* [illegible]*ridevi.*

"There is no doubt that the son of the deceased, Narayanan Nambudiri, who was adopted in Karuthetath Illom, is the heir of the estate of that Illom. There is also no doubt that, having adopted the deceased, Narayanan Nambudiri, as her son, the petitioner is entitled to maintain the child and to obtain a certificate for the recovery of all money due to that Illom. As in petition No. 962 the title advanced by petitioner to the estate of Ariproth Illom has been contested, the matter should be decided by the institution of a regular suit. As until then the only surviving adult male member of the two Illoms is the said child whose guardianship has been vested in petitioner, a certificate for the recovery of debts due to Ariproth Illom will be granted to petitioner provided she gives security for the amount."

8. From this it will be observed that the question whether, or not, the minor is the claimant of Ariproth Illom has yet to be decided.

9. The result of my inquiry shows that the widows of Ariproth Illom are very fond of the minor, as I have already stated. He is still under their guardianship.

10. I also understand that the intention of these widows was, and still is, that the minor is the only person who should have the property of their Illom and who should perform their obsequies after their death, whether he has any lawful claim to it or not; but they appear to be reluctant to declare it openly, and forego their present authority evidently under the apprehension that, should the minor unfortunately die young after the Court of Wards' interference, the whole estate will lapse to the State. They have, therefore, acted under the pretence that the minor is not the lawful heir, and refused, when required by the Tahsildar, to give particulars of the estate, which has been roughly estimated by him to be worth Rupees 52,450 yielding an annual income of Rupees 1,200.

11. I am of opinion that the Court should lose no time to assume possession of the minor's property attached to Karuthetath Illom. The widow of that Illom will, of course, be maintained by the Court from the funds of the estate.

12. As I understand that this widow has, subsequent to the granting of the certificate by the Civil Court, encumbered the estate and done other unjustifiable acts, the Court's interference in the case is highly desirable. It may afterwards be ascertained what steps should be taken to invalidate her acts.

13. It is to be regretted that this case has remained so long without being brought to the notice of the Collector and the Court of Wards. The local officers did not think the case was one coming within the province of the Court of Wards chiefly because a certificate was granted by the Civil Court to the widow of the Karuthetath Illom.

14. Lately the widows of Ariproth Illom represented to me that the property belonging to Karuthetath Illom, and which has descended to the minor under

Proceedings of the Madras Government, Revenue Department,
12th July 1873.

their protection, was being squandered by the widow of that Illom and prayed Government would be pleased to adopt remedial measures. In her turn the widow of Karuthetath Illom presented a similar petition against the widows of the other Illom, and it was only after these petitions were inquired into that I came to learn that the case was one to be dealt with by the Court of Wards.

ENCLOSURE No. 1.—Genealogical List.

ENCLOSURE No. 2.—Statement showing value of Estate.

THE Court resolve to lay the letter of the Collector of Malabar before Government with the recommendation that they be directed to assume the management of the estate of the minor. His claims to the heirship of the family in which he was born as well as of that to which his father belonged by birth should be pressed to a decision.

2. It is observed that the order of the Civil Court of Calicut, while ruling (1) that the minor is the only surviving male member of the *two* Illoms and (2) that his guardianship has vested in his nother, advises the institution of a suit to try his claims.

3. The boy is now 10 years old.

No. 103. ORDER THEREON, 12th July 1873, No. 720.

Miscellaneous.

THE Governor in Council does not think it advisable that the Court of Wards should interfere in this case. Ten years have elapsed since the minor's claims arose ; the property is a very small one, and operations would commence with a law suit.

(True Extact.)

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

To the Court of Wards.

Exd. F. R. Bantleman.

Pro: Court of Wards
Estate of Karchetath family
of Ernad Taluq. Malabar Dt.

} 18 June 73 No 970

3

No 1744 for orders

The matter upon which the orders of Govt are desired is fully explained in the Collector's letter. The Board support his proposal that the alleged minor proprietor of the small properties in Malabar should be taken under the superintendence of the Court of Wards. It is, however, to be noted that the late proprietor of these properties died ten years ago, so that

Refer to Orders

I do not think it advisable that the Court of Wards should interfere in this case. Ten years have elapsed since the minor's claims arose, the property is a very small one and therefore could commence in the a case-suit

Dol

the proposed intervention
of the Court of Wards will
be rather late. It is
also worthy of consideration
whether the Court should
interfere with the manage-
ment of such, comparatively, insignificant
properties as those now
under notice

Revenue Department.

No. 720.

PROCEEDINGS of the MADRAS GOVERNMENT.

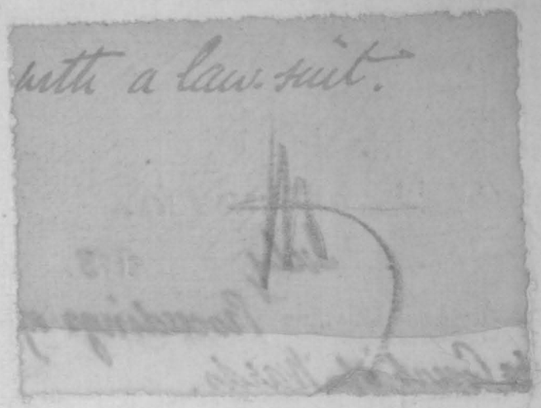
Under date the 12th July 1873.

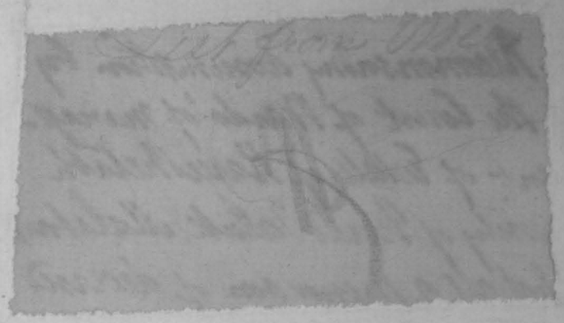
Read the following Proceedings of the Court of Wards.

Recommending assumption by the Court of Wards of management of Estate of Karuthetath Family of Ernad Taluk, Malabar, on behalf of minor son of deceased holder.

R.P. 16 June 1873, No 970.

The Governor in Council does not think it advisable that the Court of Wards should interfere in this case. Ten years have elapsed since the minor's claims arose, the property is a very small one, and operations would commence with


with a law. suit.



14 To the Court of Wards dec 17th July 73 —

E.D

Estate of Kanathattil
Family of Eenad Taluq
Malabar District

Desam

D. 002-003