M.R.O. 1—20,002—12-8-65.

(1) Number of Pages 18 ✓

(2) Date of repair 10-3-67.

(3) Initials of the Referencer 108

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue. DEPARTMENT

G.O. No. 1395. Press
B.P. No. Mis.

Dated 4-11-1874. 196

Not to be folded or roughly handled

No. 26. Read the following Proceedings of the Board of Revenue, dated 22nd October 1874, No. 3,073 :—

Read again Board's Proceedings, dated 6th August 1874, No. 2,125.

Read also the following letter from C. T. LONGLEY, Esq., Collector of Salem, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 7th October 1874, No. 381.

WITH reference to the Board's Proceedings, No. 2,125, dated the 6th August last, I have the honor to state that I have had a personal interview with Matchammal and Veerammal, and took statements from them in writing, copies of which are enclosed for the Board's information.

2. As both the females stated that they were consenting parties to the agreement executed between them and their mother-in-law Muthealammal, I republished the original notification as directed by the Board, and I now request information as to whether the notice is to run for three months from the date of its republication, or only for the unexpired portion which remained when the notice was cancelled by the Acting Collector's second notification?

3. I take this opportunity to submit a petition presented to me by Sabapathy Iyer, a Barrister of the High Court, on behalf of Veerammal's uncle Annamalay Reddy, requesting that the registry may not be made pending the decision of the High Court on the appeal preferred by him against the order of the District Court, and that the estate should be taken under the management of the Court of Wards, on the ground that Veerammal is incapacitated by *sex* under Clause 2, Section —, Regulation V. of 1804. Sabapathy Iyer has entered so fully into the grounds on which he bases his application for the interference of the Court of Wards that I can add little to the arguments urged by him, but that looking at the agreement (translation of which is enclosed) the arrangement entered into shows that a most flagrant act of injustice is contemplated in regard to the infant child of Vecrammal, who is the heir-at-law, and whose interests are entirely ignored by the unjust agreement entered into by Veerammal. The child is incapable of guarding her own interests, and it is, I submit, incumbent on the Court of Wards to step in and protect the same.

ENCLOSURES Nos. 1 and 2.—Statements of Matchammal and Veerammal.

ENCLOSURE No. 3.—Petition of Sabapathy Iyer on behalf of Annamalay Reddy.

ENCLOSURE No. 4.—Translation of Agreement.

ENCLOSURE No. 5.—Memorandum of Appeal.

THE Board resolve to submit these papers for the orders of Government.

2. The facts of the case are briefly as follow:—The joint holders of Namkul and four other Mutahs in the Salem District were Muthealammal and her adopted son Lavanga Reddy; the latter died at the end of 1873, leaving two widows, the younger of whom gave birth to a posthumous daughter. After Lavanga Reddy's death a petition was presented, praying for a registration of a

division of the property according to an agreement by which the bulk of the property passes to Muthealammal. Small shares are assigned to the widows, and a portion goes to a nephew of Muthealammal.

3. The registration of this agreement was at first objected to on the ground that Veerammal, the younger widow, was still a minor. The District Court having, however, decided otherwise in proceedings taken on an application for the appointment of a guardian, application for registry of the agreement was renewed, and the Collector was directed by the Board to republish the original notification, to the effect that registry would be made in accordance with the agreement, unless interdicted within three months by an injunction of the Court, after ascertaining that the two widows are really consenting parties.

4. A petition is now presented by Annamalay Reddy, uncle of Veerammal, praying that the estate may be taken under the management of the Court of Wards, on the ground of Veerammal's incapacity as a female. He urges forcibly and truthfully that the agreement is so inimical to the interests of the widows and the infant daughter, who is heiress to the whole estate, that the arrangement contemplated ought not to be permitted. He asserts that Veerammal has lived in seclusion under Muthealammal's influence, and that she is ignorant of her rights.

5. Muthealammal is evidently able to take care of her own interests and competent to manage the estate; but the nature of the arrangements made for the registry of the property affords ground for thinking that the widows must have been duped, and, on further consideration, the Board are of opinion that the interests of the infant daughter ought to be protected and steps taken to prevent the alienation of property which might ultimately devolve upon her.

6. The Board resolve accordingly to extend the period allowed by the notification to six months from the date of its republication, and meanwhile to lay the case before Government with a view to their authorising the intervention of the Court of Wards.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

No. 27. ORDER THEREON, 4th November 1874, No. 1,395.

Miscellaneous.

THE Governor in Council authorises the Court of Wards to intervene for the protection of the heir-at-law. The Court will probably find it desirable to take legal advice as to the method of intervention. It should be ascertained what are Muttecalammal's precise rights in the Muttahs.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

To the Court of Wards.

Exd. F. R. Bantleman.

2/1395

Govt. of {1874} Salaries.

REVENUE.

To

THE COURT OF WARDS.

Dated November 4th.

Read.

G. O., 4th November 1874, No. 1,395.

NOVEMBER.
Nos. 26-27.

Namkul and four other Muttahs, Salem District.—Authorising, with observations, the intervention of the Court of Wards for the protection of the heir-at-law to the —.

No. 2,125.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 6th August 1874.

Read the following letter from C. T. LONGLEY, Esq., Collector of Salem, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 27th July 1874, No. 268:—

I HAVE the honor to report on petition (herewith returned), No. 1,712, presented to the Board on behalf of Muthealammal and others.

2. Muthealammal (1st petitioner) and her adoptive son, Lavanga Reddy, held jointly Namkul and four other Muttas. Lavanga Reddy died at the end of 1873, leaving two widows, Machammal and Veerammal (2nd and 3rd petitioners), and a posthumous born female child by Veerammal. An agreement executed by Muthealammal and the two widows, Machammal and Veerammal, was produced before the Tahsildar in January 1874, by which the property was distributed as follows:—

	Rs.
(1.) Muthealammal's share—	
1. The entire Mutta of Mudukaputty, peishcush	4,965
2. Do. do. Thoosoor	6,225
3. Do. ¼ths of the Mutta of Namkul	5,267
(2.) Machammal, senior widow, to have—	
1. The Mutta of Ponneri...	2,153
(3.) Veerammal, the junior widow, to have—	
The Mutta of Thippra Mahadevi	2,359
(4.) The remaining ¼th of the Mutta of Namkul to go to one Ramasamy Reddi, a nephew of Muthealammal	2,633

3. The late acting Collector, on receiving intelligence* of the death of Lavanga Reddy, ordered a notice to be put in the Gazette to the effect that the registry will be made as above, if not interdicted within three months by an injunction of the Court. It appears from the record, however, that he gave this order very reluctantly. Mr. Price writes: "This looks hardly just. The child gets nothing." Before the expiration of the three months, and before any registry was made, the Acting Collector received a petition in which it was stated that Veerammal, the junior widow, *was still a minor*, that she could not be a consenting party to the proposed arrangements, and that notwithstanding this, Muthealammal had managed to get an agreement drawn up, by which a small portion of the estate was allotted to the widow, Veerammal, the larger and better part being secured to Muthealammal herself and one Ramasamy Reddy her relative. On receiving this petition, I understand, the Acting Collector referred to the records, and, being satisfied that Veerammal was a minor, decided that all the estates should be registered equally in the names of both the widows of Lavanga Reddy as his *prima facie* heirs, jointly with that of Muthealammal, unless interdicted by an order of a competent Civil Court. A notice to this effect was accordingly published at page 169 of the District Gazette.

* Tahsildar's Arzi, dated 26th January 1874.

4. Advocate-General, Mr. Cunningham, appeared before me on the 2nd instant, and moved for the alteration of the order passed by the late Acting Collector, but I rejected the motion, and referred him to your Board, as will be seen from the enclosed copy of the Proceedings held by me. (Enclosure A).

5. An application having been made to the District Court for the appointment of a guardian for Veerammal, the Court, on the motion of Mr. Cunningham, called for a report, and the enclosed (B) is a copy of the one submitted by me. The District Court passed Proceedings (Enclosure C), finding Veerammal to be of

age. The Court remarked it "saw no ground for appointing the guardian recommended by the Collector." Mr. Prichard, the Counsel for Muthealammal, appeared before me yesterday on her behalf, and applied for the registry of the Muttas on the strength of the District Court's Proceedings above referred to. I declined to do so, as the Court's Proceedings referred only to the appointment of a guardian, and the notice of the Acting Collector recognizing the *prima facie* heirs, as Lavanga Reddy's successors was still in force.

ENCLOSURE No. 1.—Copy of Proceedings of Collector, dated 2nd July 1874.

ENCLOSURE No. 2.—Letter from Collector to District Judge, dated 9th July 1874, No. 43.

ENCLOSURE No. 3.—Proceedings of the District Court, dated 18th July 1874.

ENCLOSURE No. 4.—Petition No. 1,712 of 1874.

Read also Petitions, Nos. 1,965 and 1,977 of 1874, from H. S. Cunningham, Esq., Counsel for Muthealammal and others.

IT appears that Mr. Price altered the Notification on the ground that Veerammal was a minor. The Court having now decided that she is not, that ground for refusing to cancel the second notice is now removed, and the only question is whether the agreement produced before the Tahsildar in January 1874 was really acquiesced in by all the parties thereto.

2. The Collector should satisfy himself on this point by personal interrogation of Machammal and Veerammal, and if they adhere to the agreement should re-publish the original Notification.

3. The following endorsement will be passed upon petitions Nos. 1,712, 1,965, and 1,977 of 1874:—

"Petitioners are referred to the Collector."

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

To the Collector of Salem, with three Petitions.
Endorsement to Petitioners.

Exd. F. R. Bantleman.

Muttas—in Salem District.—Collector requested to satisfy himself whether agreement produced before Tahsildar in January 1874, regarding registry of certain —, in names of mother and widows of late owner of Muttas, was acquiesced in by all parties thereto, and if so to re-publish original Notification registering Muttas in their names. Endorsement passed on petitions Nos. 1,712, 1,965, and 1,977 of 1874, referring petitioners to Collector.

Rec'd 13th Sept. 1874.
Returned 26th Sept. 1874.
Encl.

BOARD OF REVENUE,
MADRAS.
1874.

PROCEEDINGS, 6TH AUGUST 1874, No. 2,125.
AUGUST.
No. 2,125.

Rec'd 5th Aug 1874

4/1
1395

REVENUE DEPARTMENT.

No. 3742

From the Board of Revenue.
Dated 22nd October 1874.

FOR ORDERS.

Letter re the Court of Wards should be informed in behalf of the heirs-at-law — an inquiry

L. D.

Issue 27/10 Reply 24/10

FOR ORDERS.

1865

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£ 30. / 10/74

Revenue Department

Proceedings of the Board of Revenue.

Dated 22nd October 1874.

Read again Board's Proceedings, 6th August 1874 No. 2125

Read also the following:—

No. 381.

From P. W. Collector of Salem.

To The Secretary to the Board of Revenue, Madras.

Sir,

With reference to the Board's Proceedings No. 2125 dated the 6th August last, I have the honour to state that I have had a personal interview with Matchammal and Veerammal and took statements from them in writing, copies of which are enclosed for the Board's information.

2. As both the females stated that they were convening parties to the agreement executed between them and their

their Mother-in-law Muttalammal. I re-published the original notification as directed by the Board, and I now request information as to whether the notice is to run for three months from the date of its re-publication, or only for the unexpired portion which remained when the notice was cancelled by the A. Collector's second notification?

3 I take this opportunity to submit a petition presented to me by Sabapathy Iyer, a Barrister of the High Court, on behalf of Veerammal's mother Ummanalai Reddy, requesting that the registry may not be made pending the decision of the High Court, on the appeal preferred by him against the order of the District Court, and that the Estate should be taken under the management of the Court of Wards, on the ground that Veerammal is incapacitated by sex, under Clause 2 Section Section , Regulation V of 1804. Sabapathy Iyer has entered so fully into the grounds on which he bases his application for the interference of the Court of Wards, that I can add little to the arguments urged by him, but that looking at the agreement, (translation of which is enclosed) the arrangement entered into shows that the arrangement is a most flagrant Act of injustice contemplated in regard to the only child of Veerammal, whose the law, and whose interests are entirely ignored by the unjust agreement entered into by Veerammal. The child is incapable of guarding her own interests and rights. I submit, it is incumbent on the Court of Wards to step in and protect the same.

I have &c.

Salem Collector's office, Salem 7th October 1870. (Signed) C. V. Lowley Collector.

The Board resolve to submit these

these papers for the orders of Government.

2. The facts of the case are briefly as follows:— The joint holders of Nambul and four other Muttahs in the Salem District were Muthealammal & Parvadhee adopted son Lavanga Reddy, the latter died at the end of 1873 leaving two widows the younger of whom gave birth to a posthumous daughter. After Lavanga Reddy's death a petition was presented praying for a registration of a Division of the property according to an agreement by which the bulk of the property passes to Muthealammal, small shares are assigned to the widows, and a portion goes to a nephew of Muthealammal.

3. The Registration of this agreement was at first objected to on the ground that Veerammal the younger widow was still a minor. The District Court having, however, decided otherwise in proceedings taken on an application for the appointment of a guardian, application for registry of the agreement was renewed, and the Collector was directed by the Board to republish the original notification to the effect that Registry would be made in accordance with the agreement unless interdicted within three months by an injunction of the Court, after ascertaining that the two widows are really consenting parties.

4. A petition is now presented by Ammanday Reddy, uncle of Lavanga Reddy, praying that the Estate may be taken under the management of the Court of Wards, on the grounds of Veerammal's incapacity as a female. He urges forcibly and truthfully that the agreement is so inimical to the interests of the widows and the infant daughter, who is co-heiress to the whole Estate, that the arrangement contemplated ought not to be permitted. He asserts that Veerammal has lived in seclusion under Muthealammal

Muthealammal's influence and or that she is ignorant of her rights.

5. Muthealammal is evidently able to take care of her own interests and competent to manage the Estate, but the nature of the arrangements made for the registry of the property affords ground for thinking that the minors must have been duped, and, on further consideration, the Board are of opinion that the interests of the infant daughters ought to be protected and steps taken to prevent the alienation of property which might ultimately devolve upon her.

6. The Board resolve accordingly to extend the period allowed by the Notification to six months from the dates of its re-publications, and meanwhile to lay the case before Government with a view to their sanction regarding the intervention of the Court of Wards.

True Copy & Extract

G. Gibson
Secretary

To
The Secretary to Government
Revenue Department

with 5 original Enclosures,

and Board's Proceedings dated 6th August 1874 with its 3 original Enclosures to be returned

G. Gibson
Asst Secretary

No 1395.

The Q. in C. authorizes the Court of Wards to intervene for the protection of the heir-at-law. The Court will probably find it desirable to take legal advice as to the method of intervention. It should be ascertained what are Mutteeahmaul's precise rights in the Muttaloo.