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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

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| Dated    | 19. 2 | 1964. |

Not to be folded or roughly handled

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229

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*Proceedings of the Madras Government, Revenue Department,  
19th February 1874.*

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No. 168. Read the following Proceedings of the Board of Revenue, dated 3rd February 1874, No. 203:—

Read the following letter from T. SIVARAMIAH, Treasury Deputy-Collector, for Collector of Ganjam, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Chetterpore, 17th November 1873, No. 2,842:—

I HAVE the honour to submit, for orders, copies of the marginally noted

1. Notice of attachment of the District Court, dated 15th November 1872, papers received from the District Court, asking for a sum of Rupees 1,369-10-0
2. District Judge's letter, dated 29th October 1873, to be sent out of the money remaining in the treasury on account of the allow-

ance of Sri Chandramala Patta Mahadevi, widow of the ex-Zemindar of Hautghur.

2. The origin and history of the above allowance is described in Mr. Carmichael's letter to the Board, dated 2nd November 1868, No. 1,182, which appears to have been forwarded by the Board to Government, with their letter, No. 9,052, dated 26th December 1868.

3. The allowance originally sanctioned was Rupees 5,000 per annum, of which one-third, amounting to Rupees 1,666-10-8, is paid to the ex-Zemindar's step-mother; and the allowance payable to the Zemindar's widow alone is Rupees 3,333-5-4 per annum. This yearly allowance is due to the Mahadevi from the year 1860 (fasli 1269), and the arrears due to her up to the end of the last fasli. ~~It is out of this amount that the sum of Rupees 1,369-10-0, asked for by the District Court, is to be paid.~~

4. The suit preferred by the Mahadevi's so-called adopted son for the recovery of the fifty Jaghire villages has been dismissed both by the District and High Courts as barred by limitation, and a special appeal is now pending in the Privy Council. As the Board will observe, from Mr. Carmichael's letter above quoted, the widow once begged for the whole of the arrears of allowance to be paid to her; but Mr. Carmichael refused to comply with the request in view of the suit pending.

5. She lately renewed her applications to me on the subject, and I beg to take this opportunity of asking for orders as to whether the request can be complied with.

6. She is still, as then, on bad terms with her adopted son. I had an interview with her some months ago at Atgada, when she spoke in strong terms about him.

7. If the money is still to be in the Government treasury, I would suggest that it be invested in Government Securities.

—

ENCLOSURE No. 1.—Copy of Notice of District Court and of letter from District Judge.

—

THIS letter will be submitted for the orders of Government.

2. The Civil Court of Berhampore, in a suit against the widow of the late ex-Zemindar of Hautghur in the Ganjam District, has demanded the payment of Rupees 1,369-10-0 from the accumulation of the allowance sanctioned by Government for the said widow, and in deposit in the Collector's treasury. The widow

*Proceedings of the Madras Government, Revenue Department,  
19th February 1874.*

herself has also recently renewed her application for the disbursement of the allowance, which was rejected by Mr. Carmichael on a former occasion in view of the institution of the suit referred to in G. O., dated 15th March 1869, No. 690. The amount of the accumulated arrears is now Rupees 44,791-11-0.

3. The allowance of Rupees 5,000 originally granted was intended to represent the net profits of the fifty Mokhasa villages sold with the Hautghur estate. In earlier orders of Government, it was spoken of as "the property" of the widow, and as held on the same tenure as were the villages themselves; but this view was subsequently departed from when a portion of the allowance was separately assigned to the step-mother of the late ex-Zemindar; and now especially in the defence set up by Government against the suit, when they maintained that the allowance was granted as a matter of grace and favour.

4. Mr. Carmichael's rejection of the widow's request, preferred at the time of the institution of the suit, was based, the Board suppose, on the earlier view, viz., that, as representing the profits of the villages, the allowance would follow the decision in the suit; but this reasoning would equally apply to the portion separately assigned to the step-mother, which, however, has been, and is still disbursed to her. If the demand of the widow for the sanctioned allowance was properly rejected, objection must be taken to the demand of the Court to have a portion of its accumulation paid to her creditors.

5. The suit was dismissed on the statute of limitation in the Zillah and High Courts, and there seems to the Board little danger in acting in accordance with the decision set up by Government, viz., that the allowance is a grant based on their favour. The Board recommend that the whole sum in deposit, less the amount to be paid on the District Court's order, be made over to the widow, and that she be permitted to draw her allowance in future. If the Government do not approve of this proposal, the Board would recommend the investment of the money as suggested by Mr. Master.

No. 169.

ORDER THEREON, 19th February 1874, No. 227.

Miscellaneous.

THE Government are not disposed to make any further payments to the ex-Zemindar's widow, or to disburse

the undrawn balance of the accumulations, pending the final settlement of the suit, which, it is observed, has been carried by the ex-Zemindar's alleged adopted son to the Privy Council.

2. The Collector will inform the Court that the allowance, always depending on the grace and favour of Government, is no longer drawn, that its renewal is uncertain, and that no creditor of the heretofore stipendiary or other person can prefer any claim to it, *vide* the Pension Act.

(True Extract.)

(Signed) D. F. CARMICHAEL,

Secretary to Government.

To the Board of Revenue.

Exd. W. H. French.

No. 203.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 3rd February 1874.  
ad the following letter from T. SIVARAMIAH, Treasury Deputy-Collector,  
for Collector of Ganjam, to J. GROSE, Esq., Secretary to the Board of  
Revenue, dated Chetterpore, 17th November 1873, No. 2,842:—

I HAVE the honour to submit, for orders, copies of the marginally noted papers  
received from the District Court, asking  
Notice of attachment of the District Court, dated 15th November 1872, for a sum of Rupees 1,369-10-0 to be  
District Judge's letter, dated 29th October 1873, sent out of the money remaining in the  
treasury on account of the allowance

Sri Chandramala Patta Mahadevi, widow of the ex-Zemindar of Hautghur.

2. The origin and history of the above allowance is described in  
Carmichael's letter to the Board, dated 2nd November 1868, No. 1,182, which  
bears to have been forwarded by the Board to Government, with their letter,  
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which one-third, amounting to Rupees 1,666-10-8, is paid to the ex-Zemindar's  
p-mother; and the allowance payable to the Zemindar's widow alone is Rupees  
33-5-4 per annum. This yearly allowance is due to the Mahadevi from the  
year 1860 (fasli 1269), and the arrears due to her up to the end of the last fasli,  
1872, amount to Rupees 44,791-11-0. It is out of this amount that the sum of  
Rupees 1,369-10-0, asked for by the District Court, is to be paid.

4. The suit preferred by the Mahadevi's so-called adopted son for the recovery  
of the fifty Jaghire villages has been dismissed both by the District and High  
Courts as barred by limitation, and a special appeal is now pending in the Privy  
Council. As the Board will observe, from Mr. Carmichael's letter above quoted,  
the widow once begged for the whole of the arrears of allowance to be paid to her;  
but Mr. Carmichael refused to comply with the request in view of the suit pending.

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ENCLOSURE No. 1.—Copy of Notice of District Court and of letter from District Judge.

THIS letter will be submitted for the orders of Government.

2. The Civil Court of Berhampore, in a suit against the widow of the late  
Zemindar of Hautghur in the Ganjam District, has demanded the payment of

*Recd. 7.02.74  
J. Grose, Esq., Secy to Govt.*

*1-11-511*

To

THE BOARD OF REVENUE.

REVENUE.

Govt. of 1874

Recd. 1st February 1874.

G. O., 19th February 1874, No. 227.

FEBRUARY  
Nos. 168-169.

*Hautghur ex-Zemindar's Widow's Allowance.*—Decisions to make any further payments—or to disburse the undrawn balance of accumulations for reason stated, and direct the collector to communicate their records to the District Court with reference to his notice.

☆

Rupees 1,369-10-0 from the accumulation of the allowance sanctioned by Government for the said widow, and in deposit in the Collector's treasury. The widow herself has also recently renewed her application for the disbursement of the allowance, which was rejected by Mr. Carmichael on a former occasion in view of the institution of the suit referred to in G. O., dated 15th March 1869, No. 690. The amount of the accumulated arrears is now Rupees 44,791-11-0.

3. The allowance of Rupees 5,000 originally granted was intended to represent the net profits of the fifty Mokhasa villages sold with the Hautghur estate. In earlier orders of Government, it was spoken of as "the property" of the widow, and as held on the same tenure as were the villages themselves; but this view was subsequently departed from when a portion of the allowance was separately assigned to the step-mother of the late ex-Zemindar; and now especially in the defence set up by Government against the suit, when they maintained that the allowance was granted as a matter of grace and favour.

4. Mr. Carmichael's rejection of the widow's request, preferred at the time of the institution of the suit, was based, the Board suppose, on the earlier view, viz., that, as representing the profits of the villages, the allowance would follow the decision in the suit; but this reasoning would equally apply to the portion separately assigned to the step-mother, which, however, has been, and is still disbursed to her. If the demand of the widow for the sanctioned allowance was properly rejected, objection must be taken to the demand of the Court to have a portion of its accumulation paid to her creditors.

5. The suit was dismissed on the statute of limitation in the Zillah and High Courts, and there seems to the Board little danger in acting in accordance with the defence set up by Government, viz., that the allowance is a grant based on their favour. The Board recommend that the whole sum in deposit, less the amount to be paid on the District Court's order, be made over to the widow, and that she be permitted to draw her allowance in future. If the Government do not approve of this proposal, the Board would recommend the investment of the money as suggested by Mr. Master.

(A true Copy and Extract.)

*H. Elcock*  
Acting Sub-Secretary.

To the Secretary to Government, Revenue Department,  
with one original Enclosure, to be returned.  
Copy to the Collector of Ganjam.

Exl. F. R. Bantleman.

*Hautghur Estate*—in Ganjam District.—  
Letter from Collector referring for orders a notice from District Court demanding, in connection with a suit in that Court, payment of Rupees 1,369-10-0 from accumulation of sanctioned allowance of widow of late Zemindar of — is deposit in Collector's treasury, submitted to Government with recommendation that whole sum in deposit, less amount to be paid on Court's order, be made over to widow, and that she be permitted to draw the allowance in future.

RECEIVED  
FEBRUARY.  
No. 203.  
20th Feb 1874  
Encl. 1  
7 Feb 74

1874. *de pte*  
Board of Revenue,  
MADRAS  
J. P. 398

*Read Progs. Vol. Rev. No 203*  
*d/3-2-74.*

*It is observed that his allowance of 5000 Rs a year, in lieu of certain resumed villages, was granted to this lady, the widow of the ex-Zemindar of Hautghur in G.O. 21<sup>st</sup> Feb 1860.*

*J. R. de Villiers*  
*For upwards of eight years she refused the civil court to draw it, in resentment of the of the civil court's assumption of the land; and it was found necessary to assign a portion of it (Rs 1666-10-8) to another member of the family, the ex-Zemindar's stepmother, who had no other means of subsistence. At last in 1868, after a quarrel with the young relative of the suit - to whom she had up to that time put forward as her adopted son, and who had just then filed a suit against Govt for the recovery of the lands, she begged to have it paid to her with the whole of the arrears. "I informed her" he then Coler. reported "that in view of the present suit, I could not move in the matter without orders".*

*Ann Bd. No 9052 d/26-12-68*

*Govt found the sum at once pending the*

*3. No orders were passed, and he*

*30th Feb 1869 203-8*

*S.D. No 227-15 Feb 74*

decision - and, if we  
needly cannot, allow  
her the interest -

We cannot spare  
up for her the amount of  
£1000 - 11/2 - 1871

despatched to Leg & Co  
No 24/72 Rev.

I should be surprised  
to await the  
result of the suit

Litigation is not yet concluded  
The Courts in India determined the  
plaint as barred by the Act of

limitations, and against this  
decision an appeal is now pending  
before the Privy Council.

3. I think it very unlikely that  
the High Court will be found to be  
wrong in a point of law of this kind  
but still there is the chance of it -  
and if the Privy Council ultimately  
determine against us, we shall have  
to restore the villages & lose our  
advances to this lady.

22. 10/2/72.

4. If she is to have it - is she to  
set it in a lamp - to be looked  
out of it by her friends. or shall it  
be funded for her & the interest  
paid to her.

by

168-169.

Am. by [unclear]  
On [unclear] [unclear]  
[unclear]

AP 227  
Just for [unclear]

The Govt are not disposed  
to make any further payments  
to the Ex-Zamindar's widow,  
or to discharge the undrawn  
balance of the accumulations,  
pending the final settlement  
of the Suit - which, it is stated,  
has been carried by the Ex-Zami-  
dar's alleged and put down to  
the Pany Council.

2. The Mr. will inform the Ct  
that the allowance - always depend-  
ing on the grace & favor of Govt - is  
no longer drawn - that its renewal  
is uncertain - & that no creditor of  
the heretofore attending or other  
person can prefer any claim to it -  
vide the Pany Council. 24. 11/2.  
19 Feb 1874

11 Feb 1874. do. 20 Feb 74