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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	<u>1084</u>	Press
B.P. No.		Mis.
Dated	<u>22.5.1875</u>	196 .

Not to be folded or roughly handled

D.A

In the Subordinate Court of Negapatam
Monday the First day of February
One thousand Eight hundred and Seventy five
Present

G. Muthuswamy Chettiar, Subordinate Judge
Original Suit No. 67 of 1874.

1. Krishnaswamy Naik son of Rengaswamy Naik living in the Sunnath Street of Kaganathaswamy's Covil at Negapatam
2. Soobbarayaloo Naik son of the said Rengaswamy Naik living at Paliyon in Negapatam Talug

Plaintiffs

- Versus.
1. Ponnammall, widow of Govinthappa Naik living in the Sunnath Street of Kaganathaswamy's Covil at Negapatam
 2. A. S. Thomas Esquire Collector of Tanjore

Defendants

Particulars of the claim.

1. This Suit has been brought to have

47 Valis 8 Maws and 61 ¹⁰/₁₆ Coolis
belonging to the Plaintiff's family registered
in the Government Accounts in the name of
the 1st Plaintiff the surviving Senior male
member of the family.

Determination of the Suit.

This suit coming on for hearing upon
perusing the records of the suit, and duly
considering the same after hearing the
arguments of Sabanpatty Iyer Vakiel
for Plaintiffs, M. Krishnaswamy Iyer
Vakiel for 1st Defendant and of S. A.

Saminadair Vakiel for 2nd Defendant,
the Court doth order and Decree that the
lands in issue be registered in the Revenue
Accounts in the name of the 1st Plaintiff and
the Court doth further order, and Decree that
1st Defendant do pay her own and Plaintiffs
Costs as well as those of the 2nd Defendant.

(Here enter description of property.)

Memorandum of Costs.

To be paid to Plaintiffs by 1st Defendant

Value of Stamps	Rs	as	p
	11	"	"
Prons' Battah	6	13	"
Witness Battah	2	1	"
Vakiel's fee	304	12	"
<u>Total Rs 326 10 "</u>			

To be paid to 2nd Defendant by 1st Defendant.

Value of Stamps	Rs	as	p
	"	8	"
Vakiel's fee	304	12	"
<u>Total 305 4 "</u>			

To be borne by 1st Defendant.

Value of Stamp	Rs	as	p
	"	8	"
Vakiel's fee	304	12	"
<u>Total Rs 305 4 "</u>			

(Signed) G. Muthuswamy Chettiar
Subjudge

(True Copy)

(Signed) G. Muthuswamy
Chettiar
Sub judge

(True Extract)

Copied H.S.
Court W.

Mr. M. M. S.
Collector

Row 1815/75

Court and date of hearing.	Plaintiff & Defendants	Substance of Plaintiff's	Substance of Defence.	Collector's order No. and date.
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(1)
 Additional District Munsiff of Tanjore No. 235 of 1894. 8th March 1895.
 Mottaya Kāṣai versus (1) Kāṭṭovāṣai (2) Deputy Collector, Tanjore Division.
 The Deputy Collector refused to register in Plaintiff's name certain lands, which he (Plaintiff) acquired by partition from paternal uncle, the 1st Defendant.

(2)
 District Munsiff of Tanjore No. 265 of 1894. 28th November 1894.
 Kila Uluvai Rangaraja Piri-gan versus (1) Thailu (2) Mai Tivau (3) Chigarami Raju the 1st & 2nd Defendants; Pirigau. (4) Kurnam Rai-masamudigan. (5) Deputy Collector, Tanjore Division.
 The Deputy Collector refused to register in Plaintiff's name certain lands which (Plaintiff) has acquired by partition. The Patta for lands stands in the name of the 1st & 2nd Defendants; the title deed thereof in the name of the 3rd Defendant is in the custody of the 5th Defendant. The Curnam four individuals have singly been made Co-defendants.

N.B. This suit was not included in the last only during the subsequent quarter. An adjournment but in the mean time, the Plaintiff and Defendant in the terms of the Compromise was proposed.
 (2) The decree accords to the Plaintiff the costs of the 5th Defendant, the Deputy.
 (3) A translation of the decree is herewith been obtained; but should the Board's reply No. 118 dated 19th March 1895, necessitate and submitted.

has The first Defendant, the registered holder, has not given his consent to the transfer. The Deputy Collector will abide by the terms of the Court's decree; prays for his costs.
 has The 1st and 2nd defendants in whose names the Patta stands have not given their consent to the transfer. The Deputy Collector will abide by the terms of the Court's decree; prays for his costs.
 stands and these are the defendants.

Collector's order No. and date.
 1084
 No. 9 of 1st January 1895
 No. 10 of 1st January 1895

quarterly report because the defence was sustained out to the 28th January 1895 had been asked for; ante 1 to 3 having entered into a compromise, a decree on the 30th November 1894.
 registry sought by him and holds him liable for collector's.
 submitted. Copy of the Judgment has not to the reference made to them in letter the submission thereof, one will be obtained

Report of Court & Judge for transfer of cases in the District of ...
March 1875, submitted with reference to the Board's Standing Order No. 225 dated 17th August 1874 No. 2291

Court and date of hearing.	Plaintiff & Defendants	Substance of Plaintiff's	Substance of Defence.	Collector's order No. and date.
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1

2

3

4

5

(3)

Sub Court of (1) Kristiansa-
Negapatam and Vairk.
No 67 of 1874 (2) Subrahma
1st February 1875 Vairk
Versus

(1) Ponnammal
(2) Collector

Plaintiffs
titled to the
of lands which stand in
name of their deceased
divided paternal
husband of the 1st
Defendant; but the
Collector has notified
unless restrained
a Court's intervention
within six months,
registry will be transferred
to the deceased's widow
Defendant.

N.B.

Enquiries instituted
the Sub-Collector
showed that the fa-
was undivided, and
officer's order was
accordingly upheld
the Collector on appeal.

The Sub Collector received
the order referred to in
the Plaintiff, because en-
quiries instituted by that
Officer showed that 1st
Defendant had the best
prima facie title to be
regarded as next heir
to the deceased Patta-
holder. The Collector will
abide by the terms of
the Court's decree, pro-
vided the Court's decree, pro-
vided for his costs.

No 180

29th January 1875.

N.B. This suit was decided in the
to the Plaintiff the registry sought
liable for the costs of the Second
Judgment and decree are herewith

1st February 1875. The decree awarded
by them, and holds the first defendant
Defendant, the Collector. Copies of the
submitted.

Report of Court on application for transfer of Vallam in the District of Tanjore
March 1895, submitted with reference to the Board's Standing Order No. 295 dated 17th August 1894 No. 2291

Court and date of hearing.	Plaintiff & Defendants	Substance of Plaintiff's	Substance of Defence.	Collector's order No. and date.
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1	2	3	4	5
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(4)

Sub Court Desimija & The Sub Collector
of Negapatam Pillai refused to register
No. 7 of 1895 Versus Plaintiff's name
13th May 1895. (1) Mailaeji certain lands which
(2) Sub Collector stand in that of his
deceased father, who
has not filed that,
not restrained by
Court's injunction
within six months,
registry will be
transferred to the
latter's widow.

has The 1st Defendant &
in (widow of the deceased)
& has not consented to the
transfer of the registry
to Plaintiff's name; but
& has claimed it for herself,
if producing certain papers
to show that the deceased
& Pattadar and the Plaintiff
were divided brothers.
The Sub Collector will
abide by the terms of the
Court's decree; prays for
his costs.

1084
1084
No. 224
19th March 1895.

Tanjore Collector's Office &
Vallam 12th April 1895

Sd/- H. S. Thomas.
Collector

/True Copy/

Witness
By Secretary

Sd/-
Copy to C.B.

1084
In the subordinate court of Negapatam
Monday the First day of February
One Thousand Eight hundred and
Seventy five.

Present
G. Muttuswamy Chettiar.

Subordinate Judge.
Original suit No 67 of 1874

1. Krishnaasamy Naik. } Plaintiffs
2. Subbarayaloo Naik. }

Versus
1. Ponnammal. } Defendants
2. H. S. Thomas Esq. }

This suit coming on for hearing the
Court delivered the following

1 Judgment. This suit has been brought
to have 47 Valis & Mas and 61 10/16 gulis
belonging to the Plaintiffs family
registered in the Government Account
in the name of the 1st Plaintiff the
surviving senior male member of
the family. It appears from the
Plaint that Govindappa Naik the
late

late husband of the 1st Defendant and the last registered holder of the said lands was the undivided paternal uncle of Plaintiffs; that during his life time both he and Plaintiffs jointly enjoyed the said lands which were registered in Govindappa Naik's name as he was the senior member of the family; that on his death without leaving male issue 1st Plaintiff, as the surviving senior coparcener, was entitled to have the said lands entered in his name in Government accounts; but that owing to objections raised by the 1st Defendant the Sub Collector of the District refused, by an order dated the 11th August 1874, to register the said lands in 1st Plaintiff's name unless a decree of a competent Court was produced in 6 months ordering the transfer; that the Collector on appeal confirmed the said order on the 16th November

1874

1874 in consequence of which the present suit has been brought.

2nd 1st Defendant did not tender any written ^{statements}, but appeared by a pleader who made no defence.

3rd The 2nd Defendant states in his written statement that during the enquiry instituted by the Sub Collector, it was found that the 1st Defendant, as the widow of a divided member of a Hindu family, who left no male issue, had the best prima facie title to be viewed as his next heir and that officer accordingly made an order in accordance with a standing order of the Board of Revenue that if not restrained by an injunction of a competent Court within six months, the registry of the land which stood in the name of her deceased husband would

would be transferred to hers and that this order was confirmed on appeal by the Collector, the 2nd Defendant. He concludes by saying - that he is prepared to abide by the terms of the Court's Decree and prays for his costs.

4 The following issues have been settled by the sub-judge.

1st Whether or not Plaintiff and Govindappa Naik the late husband of the 1st Defendant were undivided.
2nd whether Plaintiffs are entitled to have the lands in issue registered in their names.

Plaintiffs file the following -

Exhibits.
A. Authenticated copy of the Proceedings of the Collector of Tanjore dated 16th November 1874 No 29.
B. A hypothecation bond executed by Govindappa Naik Sollittar to Subbaroyappa Naik dated 10th July 1877.

C. Do. executed by Krishnaasawmy Naik and Subbaroyappa Naik, the Rautha Mudaly dated 14th September 1872.

D. Do. executed by the Plaintiffs and the late Govindappa Naik, to Sambasiva Chettiar and dated 5th December 1872.

5. It is clear from Exhibits B and C which are hypothecation Bonds executed by the 1st Defendant's late husband Govindappa Naik and the present Plaintiffs and which have been duly registered, that though the lands to which they relate and which form the bulk of the property now in dispute, were registered in the Government accounts in the name of Govindappa Naik yet they have been owned and enjoyed by all the coparceners by whom the said Deeds were executed. This admission made

made by the deceased husband of 1st
Defendant in Documents deliberately
executed by him is binding on 1st
Defendant, who having failed to
defend this suit or offer any satis-
factory explanation of her husband's
conduct in making the said ad-
mission, has no right to oppose the
transfer of the Registry to the name
of the 1st Plaintiff who is proved
by the 7th witness to be the undivided
nephew of the late Govindappa Naik.
The 1st to 6 witnesses have also deposed
to Govindappa Naik and Plaintiffs
being undivided, to their having
jointly enjoyed all the lands in
dispute and lived and messed together
till his death. The natural state
of a Hindu family is union and
as no attempt has been made by the
1st Defendant (on whom the burden
of shewing that her husband and
Plaintiffs were divided rested) to
prove

1084/11
prove that he and his nephews, the
Plaintiffs were separated, I am
constrained in consideration of the
very satisfactory documentary and
oral evidence produced in this case
for the Prosecution to find both the
issues in favour of the Plaintiffs.
b. I therefore direct that the lands
in issue be registered in the Revenue
Accounts in the name of the 1st
Plaintiff as requested in the Plaint,
and charge the 1st Defendant who
was the immediate cause of this
suit and who misled the 2nd
Defendant to pay not only her
own and Plaintiffs' costs but also
those of the 2nd Defendant

(Signed) S. Muttaswamy Chettiar
Sub Judge

(True copy)

M. Kumar.
Collector

Copied
4th
Comp. No. 1.

In the District Munsifi Court of
Tanjore
Regular suit No 265 of 1874

Monday, the 30th November 1874
Decree passed by Venkata Rao, the
District Munsif.

Rengasappaiah son of
Vembappaiah appiah, residing
in Kila Uthur, Tanjore Taluk. } Plaintiff
K. Subbayya, Vakeel.

1. Thyaloo, widow of Ramaswami
appiah, 2. Matha Sevan, 3.
Ayyasami appiah, all of
them residing in the said
village; 4. Ramasami Sagar
Kurnam of Uthur Vuttam residing
in Orathnadoo Chuttram and
5. A. Srikanth Rao, Deputy
Collector, Tanjore Division
Rengasami Sagar, Vakeel for the
5th Defendant.

Defendant

Plaintiff sued on the 8th December
of the current year stating that he
got the land hereunder specified
by division and has been enjoying
the same for more than 12 years; that

1875

In a District Court
No 265 of 1874

Chauhan

To the Secretary

To the Honble
Revenue Minister

No 12th April
1875

No 160

No 265 of 1874

Decree in O.S.

No 69 of 1874 in
the Court of the District
Munsif.

Claim -

To the Court

No 265 of 1874

that the mirassî for the said land still stands in the names of the 1st, and 2nd defendants; that the 1st, 2nd and 5th defendants object to the transfer of the said Mirassî to his (Plff's) name and that the deed of decision is in the possession of the 4th defendant and praying, therefore for a decree being passed, ordering the registry, in his name, of the Mirassî for the land in question.

Value of the suit being, Rs - a - 60.
5 times the Kist for the Pan.
for land seed for (1 Ma⁷ 65 guley) 3 - 3 - 8.
i.e., 10 annas and 4 pice -

2. This case was taken up for final hearing. The Vakeels for the Plaintiff and the 5th defendant, as well as the 1st, 2nd, 3rd and 4th defendants were present. In accordance with the Razeenamah filed by the Plaintiff and the 1st, 2nd and 5th defendants and after considering the pleadings of the 4th defendant and of the Vakeels

Vakeels for the plaintiff and the 5th defendant, the Court has made the following decree.

3. The 1st, 2nd and 3rd defendants should transfer the Mirassî, now standing in the names of the 1st and 2nd defendants, for the land in question and mention -ed below, to the name of the plaintiff within the 30th December of the current year and if they fail to do so, the plaintiff should get the Mirassî transferred to his name with the aid of the Court. Further the Plaintiff should pay the 5th defendants' costs, and the other defendants and the Plaintiff should bear their own costs.

Particulars of land, the mirassî for which should be transferred to the Plaintiff's name.

Costs decreed to the 5th defendant -
Value of stamps Rs - a - 60.
Cost incurred in obtaining " - 9 - -
Copies of records " - 3 - -
Vakeels fee " - 2 - 5 -
" - 14 - 5 -
Signed

Comp
ab

The Secretary to
Government R. D.
with copy of Statement &
3 original enclosures to be
returned.

Wm. Lloyd Garrison
copy of C.B.

In a report Dec⁴ 1875
 from Dec¹⁵ 1875
 The Journal
 Denver
 To the Secretary
 to the Board of
 Quinine has been
 paid \$⁴
 Dec¹⁵ 1875
 No 160.
 In 9234 575.
 Circulation of
 a house in
 regular dust No
 265 says on
 the file of the
 District. Henry's
 Court Denver.

Nov. 1875: 20th

Nov. 1915

21st 1875

Of members of the
Board of Revenue.

20th 19th Aug 1915
21st 19th Aug 1915
21st 19th Aug 1915

21st 19th Aug 1915

21st 19th Aug 1915

21st 19th Aug 1915

21st 19th Aug 1915

Submitting for information
of Government report of
the report for the year
of 1875 in the District
of Toronto for the year
ending 31st Dec 1915.
21st 19th Aug 1915

21st 19th Aug 1915

21st 19th Aug 1915