

(1) Number of Pages.....12

(2) Date of repair.....16.9.68

(3) Initials of the Referencer.....*[Signature]*

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	2183	~~Press~~
B.P. No.		Mis.
Dated	15.10.1875	196 .

Not to be folded or roughly handled

In the District Court of C. hingliput,
Original Sub. No. 16 of 1874.

Judgment.

This is a suit brought accordingly under Section 15 of the Civil Procedure Code for a declaration of Plaintiff's right, to succeed to the property of one Srinivasa Rajava Chari of Damal (deceased) on the death of his surviving widow Kanakamma.

2. Plaintiff's case is that he is the next heir, he and the deceased Srinivasa Rajava Chari having been Sapinda Gotrija (distant Cousins).

It was stated that the 1st Def^t. Kanakamma, and another widow Latchmi Ammal (now deceased), had alienated some of the property to the 2^d Defendant, and that 1st Def^t. is intending to alienate more.

3. The 1st Defendant denied Plff's reversionary right: stated that she had

Authority from her late husband to adopt a son, and has adopted one Rammada Sani Syengar, now a minor under the protection of herself and his own father.

4. The 2^d Defendant pleaded that some of the lands specified in the plaint, he has purchased from a third party, and that the remainder belongs to one Rangasami Syengar adopted son of the late Srinivasa Ragava Chari, and is in the possession of the own father and guardian of the latter on account of the minor.

5. On this the day fixed for first hearing issues were prepared, the first of which only it is necessary to record, namely, whether the Plff is entitled to a declaratory decree at all: it was admitted by the vakil for the 1st Def^t that if this be decided in the negative other issues are not required.

6. The 2^d Def^t did not appear at this hearing.

7. It was as much as admitted that the law relating to declaratory decrees, under the Civil Procedure Code, as propounded in the decision of H. M. Privy Council in the Shivaganga Case reported at page 218 of the Madras Jurist Vol X No 6 is conclusive against Plaintiff on the case, as set forth in the plaint; but it was argued that the alienation of half of the whole property by the deceased widow, Latchmi Ammal is invalid; now that she is dead, and that this suit must be regarded as a suit to set aside the alleged alienation to that extent, Kanakammal the 1st Def^t being included, as having joined with Latchmi Ammal in the alienation.

8. The Plaint discloses no such cause of action: it was not sought to set aside the alienation, nor was any relief asked as regards present or expected waste or alienation. Nor can the plaint be amended to this extent: it would

amount not to an amendment only, but to the substitution of a fresh plaint and fresh cause of action.

9. I am of opinion that Plaintiff is not entitled to a declaratory decree, and that this suit will not lie: even if he be the next of kin, Plaintiff cannot succeed until the death of the 1st Def^t, and has shown no cause for a declaration of his reversionary right now, for the plaint does not disclose any right to consequential relief.

I therefore dismiss this suit without prejudice to any question of title of the Plaintiff to succeed on the death of Kanakammal 1st Defendant.

The Court Costs of the Defendants will be borne by the Plaintiff.

Pronounced this 11th August 1875.

(sd) J. Brandt,
Ag^t Dist Judge

(True Copy)

Municipal

Ag^t Collector

See a letter from the

Collector of Chingleput

125536 27/10/75 24/10/75

Recd No 677

Jan 1/75

Dec 15/75

2/8/75

In the District Court, of Chingleput

Dated 11th August, 1875.

Original suit No 16 of 1874.

Rajal Srinivasa Chari
having died his repre-
sentative Vija Venkata Chari } Plaintiff,

1. Kanakammal,
and
2. Narasimma Chari } Defendants

Suit under Section 15 of the Civil Procedure Code to establish the reversionary right of the Plaintiff to 7 out of 16 shares of lands &c in the village of Dammal, Conjevaram Taluk.

2. This cause coming on to be heard and debated this present day before J. Brandt Esq, Ag District Judge of Chingleput, in the presence of M. Vardachariar, Vakil for the Plaintiff, and J. Ramasamy Esq, Vakil for the 1st Defendant, and due consideration having been given to what was alleged by the Plaintiff and

1st Defendants Vakils the Court orders
and decrees that the suit is hereby dis-
missed without prejudice to any question
of title of the Plaintiff, to succeed on
the death of Kanakammal 1st Defendant,
and it is decreed that the costs of the
Defendants be borne by Plaintiff;

Costs incurred by Plaintiff

Value of stamp paper for Plaintiff	Rs 10-0-0
Do of Do for Vakalats	1-0-0
Do of another Do for Position	0-8-0
Expense for serving process	1-8-0
Fees to the Vakils	5-0-0
Total	Rs 18-0-0

Costs incurred by 1st Defendant

Value of stamp paper for Vakalat	0-8-0
Do of Do for written statement	0-8-0
Fees to the Vakils	5-0-0
Total	Rs 6-0-0

Costs incurred by 2nd Defendant

Value of stamp paper for written statement	0-8-0
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(sd) F. Brandt
Jg D. Judge

(True Copy)

M. M. M.
Ag Collector

Revenue Department
Miscellaneous No. 8539
Proceedings of the Board of Revenue
Dated 20 September 1875

Read the following
From No. 536.
R. J. Melville Esquire
Ag Collector of the Chingleput Dist.
To H. C. Stokes Esquire
Ag Secretary to the Board of Revenue
Madras
Sir,

In continuation of my No. 524 dated 4th
instant, I have the honor to forward copies of
Judgment & Decree, in the suit therein referred
(D. S. No. 16 of 1874) for the Board's perusal.
Chingleput Dist. Office - Saidapath - } I have to
10 September 1875 } Sigs/ R. J. Melville
Ag Collector

Submitted to Government in continua-
tion of Board's Proceedings dated 10 September
1875. [True Copy & Extract]

W. L. W. Esq.
Ag Secretary
To The Secretary to Government Revenue Depto
with 2 enclosures to be returned.

In a letter from the
Master of Chingleput
No. 536 of 10/9/75

In P. O. No. 6474
1/5

Recd 13/12/75

Am 2
3/37/75

Chingleput

And: 1895 = 246.
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Proceedings of the

Board of Revenue

Butch 20.
Sept 20th Sep. Butler 1895.
Oct 25th
on 2

For 89-10000000

Submitting to Govt

Letter from John H. H. H. H.

and forwarding copies of

Business & Revenue in

Oct. 15th 1894.

1894
1892/83
Recorded

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7. 13. 1894 23/10
Office of

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