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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 264 Press

~~B.P. No.~~ ~~Mis.~~

Dated 18-2-1875 ~~196~~.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
18th February 1875.

No. 226. Read the following Proceedings of the Board of Revenue, dated 26th January 1875, No. 170 :—

Read the following letter from A. G. GREGOR, Esq., Collector of Malabar, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Calicut, 19th December 1874, No. 302 :—

I HAVE the honor to report, for the information of the Board, that one Kolakodan Chekutti Panikar of Eadakara Amshom, Kurumbranad Taluq, died heirless on the 26th September 1870.

2. The deceased has left property to the value of about 58,000 Rupees, which the Tahsildar of Kurumbranad, the late Sub-Collectors, Messrs. Spedding and Logan, recommended should be escheated to Government.

3. One Cherunni (a female), however, asserts herself and her two children to be the heirs to the deceased, on the ground that she is the daughter of the deceased Panikar's sister. When Chekutti Panikar was exceedingly ill, the first Revenue Inspector of the taluq took a statement from him, in which the former declared that his only surviving heirs were Cherunni and her children. But he therein described her as the daughter of his maternal aunt.

When in September 1849, Chekutti Panikar was examined by the then Tahsildar of Kurumbranad, he admitted before that officer that he had only one heir by name Raman, and a distant relation named Chekutti, who had no right to inherit his property. But in this statement no mention is made of Cherunni, who, judging from her present age, should have been over twenty years of age when the above deposition was given; had she been a legal heir as she now contends, it is improbable that her name would have been omitted in the said document, more especially considering that in the absence of a surviving female member the extinction of a family is a mere question of time, and Raman, who was stated to be the heir, died according to Chekutti Panikar's own statement before him; so that we may fairly conclude that at present there is no one entitled to succeed to the deceased Panikar's estate. Looking at the fact that the first of these statements was made when he was quite infirm and alarmingly ill in direct opposition to his former statement made when he was in perfect health and strength of mind, there is much room to conclude that Chekutti Panikar had not the full exercise of his own independent judgment when he made the statement before the Revenue Inspector, but that he was simply swayed by the artifice of some designing men, and that, consequently, no weight is due to a statement made under such circumstances.

4. Besides, there is a wide discrepancy in the statements made by the said Chekutti Panikar and Cherunni as to the relationship in which they are said to have stood to each other. Chekutti Panikar's son, who had been living with his father till the death of the latter, was not able to trace the relationship that existed between his father and Cherunni, and that the fact that in a deed of gift executed by the said Panikar to his son, no one has signed it as his heir, goes far to establish the presumption that the claim set up by Cherunni is fictitious; for had not such been the case, Chekutti Panikar's son could not but have been aware of it, and the omission to include Cherunni in the deed of gift could not have occurred.

5. Further, it has been satisfactorily proved by the evidence of certain of the neighbours of Cherunni, that she is in no way related to the deceased Chekutti Panikar.

6. On the other hand, whether the deceased Chekutti Panikar was himself entitled to the property which is the subject-matter of the present dispute, is doubtful; for the last representative of the Tarward in question was one Kolakodan Rama Panikar, who died in M. E. 1024, now twenty-five years ago, and it seems that, with his death, his family became extinct. Chekutti Panikar, however, who was Rama Panikar's son-in-law and Kariastan, contrived unlawfully to obtain possession and management of the property. That the real facts were not then brought to light may be attributed to the negligent manner in which the inquiry was conducted by the Revenue Officials of the time.

7. It appears that in the years 1818 and 1824, when the said Rama Panikar executed certain security bonds, he stated in them that he had no heirs to succeed him; also, in a statement he made in 1837 before the Tahsildar when he gave security for the post of Adigary of the Naduvallur Amshom, he appears to have repeated the same admission. These points are important as showing that the deceased, Rama Panikar, had no heirs to inherit his property. Moreover, in a deed of adoption signed by Unichakotti Panikar, Karanavan of the said Rama Panikar, and dated M. E. 978, now seventy years ago, proposing to adopt two males and a female from Karingattingal Edom Tarwad, it is stated that there were no heirs in Rama Panikar's Tarwad; as also in the deed executed in the same year by the Rajah of Kurumbranad to the said Panikar, consent is given to the proposed adoption; but as Rama Panikar objected to the measure, the adoption was not made.

8. The above documents were obtained in the course of the inquiry through Mr. Logan, who gives it as his opinion that their very appearance shows that they are genuine, and I concur in this opinion. It will also be seen that Rama Panikar distinctly stated that he left no heirs to succeed him.

9. In a Vakalatnama executed by Rama Panikar in a Civil Suit, he styled Chekutti as his Anandiravan, a point on which the latter appears to have relied much in seeking to establish his claim. At this period, Chekutti was, as already mentioned, Rama Panikar's son-in-law and Kariastan, a position in which it was easy for him to have styled himself as Anandiravan in the said document with or without the knowledge of his master. Hence his argument on this score falls to the ground.

10. On a careful consideration of all these papers, I am of opinion that, with the death of Rama Panikar, his family became extinct; since then Chekutti Panikar usurped the position and property of the said Rama Panikar, and with the latter's death, which occurred in 1870, his family likewise became extinct, and circumstances leave no doubt upon my mind that Cherunni, the present claimant, is not the legal heir to the deceased Panikar. Apparently she has been prompted by some person to set up this false claim with the evident intention of securing the property in the same fraudulent manner as Chekutti Panikar himself obtained them. I request particular attention to Mr. Logan's account of an interview he had with her at a temple near Tellicherry, when she described herself as being five years old at the date of Raman's death when she must have been twenty.

11. The Tahsildar of the Kurumbranad Taluq, who on the first instance conducted the present inquiry in this case, is a man of considerable experience and thoroughly reliable. His long association with the taluq and extensive local knowledge gave him every facility for coming at a correct decision.

12. I am of opinion that the estate in question should be declared as escheated to Government.

The property is now reported to be in the possession and occupation of the several tenants of the deceased Chekutti Panikar, and the landlord's share is not paid to anybody. The documents relating to the property are under the custody of the Deputy Tahsildar of Quilandy, while the house and moveables are under the care of the officials of the Eadakara Amshom.

13. In conclusion, I submit copies of the correspondence on the subject from Messrs. Spedding and Logan, and translation of the Tahsildar's report.

ENCLOSURES Nos. 1 to 4.—Copies of Correspondence.

SUBMITTED for the orders of Government.

2. The Board concur with the Collector.

(A true Copy and Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 227. ORDER THEREON, 18th February 1875, No. 264.

Miscellaneous.

THE last person having a proper legal estate to the property was, according to the Collector's letter, Ramen Panikar who died in M. E. 1024 (about 1850). Chekutti Panikar, his daughter's husband, has occupied the property since that time in virtue, no doubt, of his wife's connection with the heirless head of the family.

2. Chekutti Panikar apparently has children, and if they are by Rama Panikar's daughter, their case is worthy of consideration if the object be to escheat. These would be the *natural* heirs, and further information is required about them.

3. The connection between Cherunni and Chekutti Panikar is not made out. The former asserts that she is the daughter of the latter's sister, and if so, she would be a good claimant if the property belonged to Chekutti's Tarward. But it appears that it must run in Ramen Panikar's family, and of course Cherunni is no member of that family.

4. The Government therefore reject Cherunni's claim, and direct further inquiry about Ramen Panikar's direct descendants.

(True Extract.)

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

To the Board of Revenue.

Exd. W. H. French.

No. 170.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 26th January 1875.

Read the following letter from A. MACGREGOR, Esq., Collector of Malabar, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Calicut, 19th December 1874, No. 302:—

I HAVE the honor to report, for the information of the Board, that one Kolakodan Chekutti Panikar of Eadakara Amshom, Kurumbranad Taluq, died heirless on the 26th September 1870.

2. The deceased has left property to the value of about 58,000 Rupees, which the Tahsildar of Kurumbranad, the late Sub-Collectors, Messrs. Spedding and Logan, recommended should be escheated to Government.

3. One Cherunni (a female), however, asserts herself and her two children to be the heirs to the deceased, on the ground that she is the daughter of the deceased Panikar's sister. When Chekutti Panikar was exceedingly ill, the first Revenue Inspector of the taluq took a statement from him, in which the former declared that his only surviving heirs were Cherunni and her children. But he therein described her as the daughter of his maternal aunt.

When in September 1849, Chekutti Panikar was examined by the then Tahsildar of Kurumbranad, he admitted before that officer that he had only one heir by name Raman, and a distant relation named Chekutti, who had no right to inherit his property. But in this statement no mention is made of Cherunni, who, judging from her present age, should have been over twenty years of age when the above deposition was given; had she been a legal heir as she now contends, it is improbable that her name would have been omitted in the said document, more especially considering that in the absence of a surviving female member the extinction of a family is a mere question of time, and Raman, who was stated to be the heir, died according to Chekutti Panikar's own statement before him; so that we may fairly conclude that at present there is no one entitled to succeed to the deceased Panikar's estate. Looking at the fact that the first of these statements was made when he was quite infirm and alarmingly ill in direct opposition to his former statement made when he was in perfect health and strength of mind, there is much room to conclude that Chekutti Panikar had not the full exercise of his own independent judgment when he made the statement before the Revenue Inspector, but that he was simply swaged by the artifice of some designing men, and that, consequently, no weight is due to a statement made under such circumstances.

4. Besides, there is a wide discrepancy in the statements made by the said Chekutti Panikar and Cherunni as to the relationship in which they are said to have stood to each other. Chekutti Panikar's son, who had been living with his father till the death of the latter, was not able to trace the relationship that existed between his father and Cherunni, and that the fact that in a deed of gift executed by the said Panikar to his son, no one has signed it as his heir, goes far to establish the presumption that the claim set up by Cherunni is fictitious; for had no

such been the case, Chekutti Panikar's son could not but have been aware of it, and the omission to include Cherunni in the deed of gift could not have occurred.

5. Further, it has been satisfactorily proved by the evidence of certain of the neighbours of Cherunni, that she is in no way related to the deceased Chekutti Panikar.

6. On the other hand, whether the deceased Chekutti Panikar was himself entitled to the property which is the subject-matter of the present dispute, is doubtful; for the last representative of the Tarward in question was one Kolakodan Rama Panikar, who died in M. E. 1024, now twenty-five years ago, and it seems that, with his death, his family became extinct. Chekutti Panikar, however, who was Rama Panikar's son-in-law and Kariastan, contrived unlawfully to obtain possession and management of the property. That the real facts were not then brought to light may be attributed to the negligent manner in which the inquiry was conducted by the Revenue Officials of the time.

7. It appears that in the years 1818 and 1824, when the said Rama Panikar executed certain security bonds, he stated in them that he had no heirs to succeed him; also, in a statement he made in 1837 before the Tahsildar when he gave security for the post of Adigary of the Nadûvallur Amshom, he appears to have repeated the same admission. These points are important as showing that the deceased, Rama Panikar, had no heirs to inherit his property. Moreover, in a deed of adoption signed by Unichakotti Panikar, Karanavan of the said Rama Panikar, and dated M. E. 978, now seventy years ago, proposing to adopt two males and a female from Karingattingal Edom Tarwad, it is stated that there were no heirs in Rama Panikar's Tarwad; as also in the deed executed in the same year by the Rajah of Kurumbranad to the said Panikar, consent is given to the proposed adoption; but as Rama Panikar objected to the measure, the adoption was not made.

8. The above documents were obtained in the course of the inquiry through Mr. Logan, who gives it as his opinion that their very appearance shows that they are genuine, and I concur in this opinion. It will also be seen that Rama Panikar distinctly stated that he left no heirs to succeed him.

9. In a Vakâlatnama executed by Rama Panikar in a Civil Suit, he styled Chekutti as his Anandiravan, a point on which the latter appears to have relied much in seeking to establish his claim. At this period, Chekutti was, as already mentioned, Rama Panikar's son-in-law and Kariastan, a position in which it was easy for him to have styled himself as Anandiravan in the said document with or without the knowledge of his master. Hence his argument on this score falls to the ground.

10. On a careful consideration of all these papers, I am of opinion that, with the death of Rama Panikar, his family became extinct; since then Chekutti Panikar usurped the position and property of the said Rama Panikar, and with the latter's death, which occurred in 1870, his family likewise became extinct, and circumstances leave no doubt upon my mind that Cherunni, the present claimant, is not the legal heir to the deceased Panikar. Apparently she has been prompted by some person to set up this false claim with the evident intention of securing the property in the same fraudulent manner as Chekutti Panikar himself obtained them. I request particular attention to Mr. Logan's account of an interview he had with her at a temple near Tellicherry, when she described herself as being five years old at the date of Raman's death when she must have been twenty.

11. The Tahsildar of the Kurumbranad Taluq, who on the first instance conducted the present inquiry into this case, is a man of considerable experience and thoroughly reliable. His long connection with the taluq and extensive local knowledge gave him every facility for coming at a correct decision.

12. I am of opinion that the estate in question should be declared as escheated to Government.

The property is now reported to be in the possession and occupation of the several tenants of the deceased Chekutti Panikar, and the landlord's share is not paid to anybody. The documents relating to the property are under the custody of the Deputy-Tahsildar of Quilandy, while the house and moveables are under the care of the officials of the Eadakara Amshom.

13. In conclusion, I submit copies of the correspondence on the subject from Messrs. Spedding and Logan, and translation of the Tahsildar's report.

Enclosures Nos. 1 to 4.—Copies of Correspondence.

Submitted for the orders of Government.

2. The Board concur with the Collector.

(A true Copy and Extract.)

Acting Secretary.

To the Acting Secretary to Government, Revenue Department,
with four original enclosures.

Copy to the Collector of Malabar.

Chekutti was the husband of her own daughter whom he naturally would have recognized as his natural (his legal) heir.

Exd. W. H. French.

Malabar Sub Collector's office
Tellicherry 25th June 1874

No 329 From

The Sub Collector of Malabar

To

The Collector of Malabar :

Calicut

Sir,

I have the honor to reply to your office letter dated the 16th April 1873, No 854, calling for further particulars as regards the property left by the late Kolakaden Chekutti Panikar which was recommended by the Ag Sub Collector Mr Spidding to be escheated, in his letter dated 13th July 1872 No 423. I regret the delay that has occurred the enquiry required numerous references and searching of old records.

2. As to the question whether by the death of Rama Panikar in 1024 the family became extinct, or, whether the late Chekkutti Panikar was his heir it is clear I think that the late Rama Panikar left no legal heirs to succeed him.

3. The documentary evidence is as follows.

(a) In a security bond executed by Rama Panikar in 1000/1824-25 he admitted that he had no heirs to succeed him. This document is the one referred to in Mr Spidding's letter.

(b)

No 386
Revenue 1875.
Board of Revenue,
MADRAS.

PROCEEDINGS, 26TH JANUARY 1875, No. 170.

Dept. Sub Collr
Encl. 4
Malabar 18th February 1875
Received 22 Feby.

JANUARY.
No. 170.

Kolakodan Chekutti Panikar—of Eadakara Amshom, Kurumbranad Taluq, in Malabar District.—Letter from Collector, reporting that this individual died heirless on the 26th September 1870, and stating that, in his opinion, his property to the value of about Rupees 58,000 be declared as escheated to Government, submitting for orders of Government with remark that Board agree with Collector.

A-226

/6/

In a statement made by the same Rama Panikar before the Tahsildar in 1012/1837-38 when he gave security for the post of Naduvattur Amshom Adigari he made the same admission. The security bond and the statement were forwarded to the then Assistant Collector Mr. Cook with the Tahsildar's report No 124 dated 26th May 1838. They are now in the Kurgar records.

(c) In a deed of adoption signed by Unichathotti Panikar, Karnavan of the said Rama Panikar and dated Dawn 978 /A.D./ proposing to adopt two males and a female from Karingathingal Edom Tarwad it is stated there were no heirs in Rama Panikar's Tarwad.

(d) In a document executed by the Kurumbranad Rajah to the Kolakoden Panikar dated 5th Dawn 978 Consent is given to the proposed adoption.

4. The documents b, c and d were obtained in the present enquiry. c and d were produced by Karingathingal Eddle Krishnan Nair before the Kurumbranad Tahsildar on the 1st August 1873. He accounts for the execution of the two documents by Rama Panikar's extreme illness at the time and says that the proposed adoption was not made Rama Panikar having objected to it. The very appearance of these two documents shows that they are genuine.

5. It is also proved by the evidence of 4 respectable old neighbours of the Kolakad Tarwad aged respectively 84. 77. 76 and 76 years that Rama Panikar left no legal heir to succeed him. These witnesses are the first four of those mentioned in the margin of the Tahsildar's report No 2988 dated 24th October 1873 and one of them is an Uralan of the Mithalikava Devaswam of which the late Chekutti Panikar was also one. The statements of these witnesses are I think worthy of credit.

6. Upon the death of Rama Panikar the then Tahsildar made a report to the then Assistant Collector Mr Plabel dated 16th May 1849 No 50 that the deceased left no heirs. In the meanwhile Kunnil Chekutti Nair calling himself Chekutti Panikar whose death occurred on the 10th Kanni 1046 (26th September 1870) and another named Kottipreth Chekkutti Nair claimed respectively to be the heirs of the late Rama Panikar. The Tahsildar in his report to the then Asst Collector

dated

dated 9th November 1875 observed that it was Kuniyil Chekutti Panikkar who had been managing the estate of the said Rama Panikkar since his death and the Assistant Collector issued an order to the Tahsildar dated 16th November 1850 No 250 to the effect that Government should not interfere with the property left by the said Rama Panikkar until Chekutti Panikkar's claim to succession have been decided by civil suit - Since then the late Chekkutti Nair under the assumed name of Chekutti Panikkar became the undisputed successor of the late - Rama Panikkar -

7. How Chekutti Nair alias Panikkar happened to obtain so easily the succession to Rama Panikkar's estate is not difficult to understand -

I Chekutti Nair alias Panikkar had married Rama Panikkar's daughter and in the life time of both Rama Panikkar and his Karnavan Unichathoth Panikkar had lived with them and it seems, was popular with the tenants -

II The Asst Collector had, as shown above virtually replenished the claim of relinquished

of Government to the property as an escheat and

III The tenants and others knew that in the Vakalats executed by Raman to Chekkutti in Suits Nos 507 of 1853 and 166 of 1854 in the Cynaad District Munsiff's file. Raman had styled Chekkutti his Anandiravan - In three days a Vakalat in such cases was given only to one who was either an Anandiravan, Karianstan or servant of the party employing him - Vide Regulation 6 of 1816 section 14 clause second - The fact that in two such cases Chekutti was styled Anandiravan seems to me of very little value, because it should be noticed, that whenever Rama Panikkar had to state the fact he asserted positively that he had no heirs - From the fact that the documents (a) and (b) were executed the one before and the other after the Vakalatnamas it may fairly be inferred that the relationship mentioned in the Vakalatnamas was simply a pretended one - but no doubt at the same time Chekutti's being so styled would carry much weight with it in the minds of persons like the tenants particularly when it was

known that Government were not going to interfere with his possession.

8. Under the above circumstances I am of opinion that though it is a fact that Chekutti Nair alias Panikar succeeded Rama Panikar he had no legal title to the property and was therefore an usurper.

9. The next question to be determined is whether Kooroth Cherunni Amma who claims the late Panikars property is his legal heir and entitled to the property.

10. When the said Chekutti Nair alias Panikar was examined on the 5th September 1849 by the then Kurumbranad Tahsildar he admitted that he had one near heir by name Raman and a distant relative (Dayadi) named Kannoth Chekutti who had no community of interest with him. Had the said Cherunni who was then over 20 years of age been his heir he would certainly have named her in this statement It is undoubted that this Raman referred to died before Chekutti Nair alias Panikar.

11 On the report of the Abkari that the said Chekutti Nair alias Panikar was really old and alarmingly sick and had no heir to succeed him the 1st Revenue Inspector Ahmed of Kurumbranad Taluk took a statement from him on the 9 November 1869 when he deposed that his heir the above said Raman died 2½ years before and that Cherunni and her children were his heirs then surviving. There is every reason to believe that this latter statement made while he was on his death-bed and very old and sick in direct opposition to his former statement made some years previously when he was in perfect health and strength of mind was made at the prompting of third parties and the fact that he had provided already for his own children and others goes far to confirm this presumption

12 I do not think it will be necessary for me to point out all the discrepancies in the evidence recorded by the Tahsildar on the point as to the alleged relationship between the deceased Chekutti Nair alias Panikar and Cherunni - I shall merely

merely allude to the main points. Mr Spedding remarked on the discrepancy between the deceased's statement and that of Cherunni as to the relationship in which they stood to each other. I may add on this head that while he called her house Kunnijel his own house name she calls it Koroth.

13. I wished to judge for myself as to this woman's bonafides and accordingly after a long delay and various excuses I had an interview with her at the Tiruvangad Temple. I formed a very unfavorable opinion as to her pretensions she said she was only 4 or 5 years old when Rama Panikar died whereas she must have been over 20 years of age then. She seemed utterly ignorant of all the family affairs.

14. It is very significant also that in the deeds of gift of property by deceased to his son Iyyadath Ukku Nair no one signs as heir. a precaution which if Cherunni had really been what she says she is would not have been neglected.

15. Finally I directed the Tahsildar after my interview with Cherunni to find out who she really was and in reply he forwarded the statement of Kannan Kandiyil Ukkoppan Nair who is a neighbour of her family in Nenminda Amsom and who is described by the Tahsildar as a

reliable witness. He says that Cherunni is the wife of Kunhunni Koidavan that her mother's name was Kuchira and her father's Nilacheri Akkandan Nair. that her house name is Thayath. that house and his own are in the Amsom of Nenminda and are within a quarter of a mile of each other. that she was born and brought up till her marriage in that house. that she was given in marriage by her Karnavan Thayil Cherunni Nair. that she had a younger brother Cherunkan that Kuchira had an elder sister Chara-thamma who had a son Kuchathan and that Cherunni is in no way a relation of the late Chekutti Nair alias Panikar.

16 Under these circumstances I am of opinion that Cherunni's claim should be rejected. She is evidently a tool in the hands of some designing person or persons in the background and I support Mr Spedding's recommendation to treat the property as escheated.

17. I beg to transmit herewith the statement of the landed property left by the late Chekutti Nair alias Panikar. It is all in possession and occupation of the several tenants and no one receives the land lords share.

18. I beg further to send now along with other records the list of documents and moveables found in the house of the late Chekutti Nair Alias Panikker. The house and the said property are under the charge of the Officers of the Adalat a Anikkom. The price of the moveables you will observe is only Rs 7—3—0

I have &c.
Signed W. Logan
Sub Collr.

True Copy
W Logan
by for Collector

Report from Kunhi Raman Vydiar
Tahsildar of Kurumbranaad to W. Logan Esquire
Sub. Collector of Malabar.

In accordance with order No 860 of
28th April 1873 calling upon me to make a further
enquiry into the question of escheating the property of the deceased
Kolakadan Panikar of Edakara Amshom. I went to held office there examining the individuals No 1 to 9 named in the margin, as well as the female claimant Cherunni Amma, and No 1012 cited by her. Seeing on a reference to the records that, upon the death of Kolakadan Rama Panikar in 1024/1848, the question of his having left any heir had been enquired into and a report

1 Puthiyedathu Ikoru Nair
2. Mekkottu Chekunga Kurup
3. Varote Ittirarapen Nair
4. Kodavattu Cottappan Nair
5. Achutan Nair, Adigari of Edakara Amshom
7. Ayydatu Ampichi Nair of Mavili
8. Thayel Ponychathan Nair
9. Parapotte Nair, Adigary of Maunnuda Amshom
10. Methelakundi Raru Nair
11. Naduvilayil Kanara Kurup
12. Edavalatt Komu Nair

No 159

In a letter from the Collr
of Malabar dated 19th Decr
1874 No 302.

Rec'd 3/8/75

Answd 8/8/75

Copy of Sub Collr's letter

No 159 made on the subject on the 9th of Nov. 1839 I got down the records from the Sheristadar for reference, and they are put up with the records of the present enquiry.

2. From the statements of Nos 1 to 4, who are old and well acquainted with the affairs of the Kolakadan Tarwad, and of No 5 the Adhikigary of the Amshom, it appears that Rama Panikkar had no heirs left at the time of his death in 1824, that the family became extinct by his death, and that Chekutti Panikkar then surreptitiously took possession of the property.

3. It appears that the property was not escheated on the death of the said Rama Panikkar, but Kunhi Panikkar was found to be the Anandravan (successor) of Rama Panikkar. The claim to the succession was then principally founded on two documents, viz. a Decree of the Provincial Moonsiff's Court in O.S. No 507 of 1831 and a Vakalat presented by Chekutti Panikkar in the said Court in O.S. No 466 of 1834, in both of which he is represented as the Anandravan (successor) of Rama Panikkar.

4. In my report No 911 of 1911, I stated that the Mankkida given by Rama Panikkar in 1000, in 1000 stated that he had no heirs. It being found that the enquiry of 1024 elicited that Rama Panikkar had, when he stood security for Ayadath Kelu Nair, late Adhigary of Nadavallur Amshom, in $\frac{1015}{1838}$ of the Malayalam year, stated that he had no heirs, the records of that year were examined which showed that Rama Panikkar had admitted, in a deposition that he was without heirs. This deposition and the security bond were, it appears, submitted with report No 124 dated 26th May 1838 to the Assistant Collector, Cook Esquire.

5. In the course of the enquiry now produced during the present enquiry by No 6 of the individuals examined, which support the above mentioned two documents. One of them purports to be a deed of adoption, by Kolakadan Unichathoth Panikkar, adopting as his heirs to his Tarwad two male and a female member from the house of No 6 in $\frac{978}{1802}$, and the other is a Tiruvelluth (Royal Letter) of Nedumbra-nad Raja, granting his consent to the adoption.

6. It appears, however, that the adoption was not finally carried out, and the parties proposed to be adopted were not admitted into the adoptive

adoptive house, owing to Rama Panikar, the then Anandravan of the family, raising objections to the arrangement. But this attempt at adoption clearly shows that the family had no prospect of an heir of its own after the death of Rama Panikar.

7. In his deposition, made in 1824, Chekutti Panikar stated that he was the son of the daughter of Rama Panikar's mother's sister. None of the others then examined appears to have stated, as Chekutti Panikar did, that he was a near relation of Rama Panikar. All that they said was, that Chekutti Panikar was only a distant relation of the family.

8. The above-mentioned deed of adoption [illegible] legal heirs to succeed him after his death, while the fact of his having had no heir to sign the Muchilika and security bond executed by him in 1000 & 1012 respectively, as well as the deposition given by him in the latter year declaring his want of heirs greatly strengthens the result of the present enquiry, which shew that Chekutti Panikar was no legal heir of Rama Panikar, and that he fraudulently assumed that position.

9. The evidence, stated in para 3 above, as having been adduced by Chekutti Panikar during the enquiry of 1824, is, in my opinion, insufficient to set aside the above circumstances

10.

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10. The next point that requires to be considered is whether Cherumni Amma, who claims succession to the estate of the deceased Chekutti Panikar, the assumed heir of the late Kolakadan Panikar, has according to local custom, any right to the property. Of the persons now examined No 7. Impichi Nair, who is Rama Panikar's son and brother-in-law of Chekutti Panikar states that he heard Chekutti Panikar say that Cherumni Amma was his heiress. But Cherumni Amma was really the niece of Chekutti Panikar. Impichi [illegible] Rama [illegible] circumstance well and been able to state it with more precision. This circumstance clearly shows that the statement made two years ago in this case by Ayyatath Pokku Nair, son of Chekutti Panikar, who is far below the said Impichi Nair, his uncle in age to the effect that Cherumni Amma is Chekutti Panikar's niece, does not deserve any credit.

11. The individuals Nos 10 to 12 state that Cherumni Amma is Chekutti Panikar's niece, but only No 11 states that whom Raman, the nephew of

of Chekutte Paniker, died his obsequies were performed by this Cherunni Amma while on the Contrary vide 12 states that no one performed the ceremonies connected with the death of Raman.

12. The various discrepancies in the statements of Nos 10 & 12 regarding the geneology of the family as well as the facts mentioned below render their versions utterly incredible. In the enquiry held in 1024 Chekutte Paniker stated before Tahsildar, Chandu Nair, that himself and his nephew Raman were the only surviving heirs of Rama Paniker Cherunni Amma's claim to succession and the [illegible] of those who enjoyed no claim appears therefore to be perfectly false. This view of the Case is much strengthened by the very Satisfactory depositions of 4 old persons vide 1 to 4 who State that Cherunni Amma has no right whatever to the property of the deceased Chekutte Paniker whose obsequies, no one has come forward to state, this woman performed

13. Under the above circumstances, I am of opinion that the records plainly show that after the demise of Rama Paniker there was no one legally Competent to Succeed him, and that Cherunni Amma

Amma having no relation whatever to Chekutte Paniker has no right to inherit the property which the latter appears to have enjoyed without right

14. I therefore beg to submit my opinion that Cherunni Amma's allegations that she is the niece and rightful heres of Chekutte Paniker as well as the Statement of the latter made a short time before his death that Cherunni and her children are his heirs which is in diametrical opposition to his own Statement made 20 years before (in 1024) that Raman was his only heir and nephew ought entirely to be disregarded, and as recommended [illegible] should be ordered to escheat to Government. All records Connected with the Case are herewith for- warded.

15. The moveables of the deceased Paniker which are only a few are entrusted with the Amshom Officials and his landed estates are in the possession of tenants from whom only the Government Revenue is Collected. The Proprietors dues are not received by any one.

16. During the Enquiry held in 1024 one Kottipurath Chekotti Nair brought forward his

his claim to succeed to the property of the Kolakadan Panikar. He was told by order no. 201 dated the 16th November 1850 that he should establish his claims by a Civil Suit. He did not go to law nor has he now come forward to claim the property. x x

Dated 24th October 1873.

A true translation

H. Subbaperumal

Dy for Collector.

Malabar Sub Collector's Office
Tellicherry 12 July 1872

No 423

(Copy)

From

The Ag. Sub Collector
of Malabar

To

The Collector of Malabar
Calicut.

Sir.

I have the honor to report that Kolakaten Chekuttie Panikar of Kolakada Devhom of Edakara Amshom in Kurumbranad Taluq died on 26th September 1870, leaving immoveable property to the estimated value of upwards of Rupees 69,863, including mortgages. The amount of moveable property is not yet reported.

As the deceased left no heirs I recommend the property be escheated. I send herewith the Kurumbranad Tahsildar's reports and all the papers connected with the case.

The only claimant is a woman named Keith Cherunni, who describes herself

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Rs 3805/15

Ag Sub Collr No 89 1/15

Translation of a letter from Tahsildar of Kurumbranad to the Ag Sub Collector

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re a letter of Board
No 302 dated 19 December
1874

herself a daughter of deceased's sister.
From the enquiry made by the Tahsildar detailed in his report of 29th March 1871 No. 901, I think this claim is proved to be false. There is no explanation of the discrepancy between the accounts given by the woman Cherunni herself and the deceased of their alleged relationship. She says she is the daughter of Unicheri one of the deceased's two sisters. The deceased stated in a declaration made by him on the 9th November 1869, that Cherunni is his heir, being the daughter of his mother's young sister. I think this shows clearly that the claim is false.

Again it is certain that the deceased Chekutti Panikar had himself no proper title to the property. He obtained it in 1024, on the death of one Rama Panikar, his (Chekutti's) father-in-law. He did not belong to Ramen's Tarwad, though he was a Karaiaten in it. Rama Panikar in a security bond dated 1000.

stated

lb 6 17

stated that he had no heirs. Cherutte must then have been about 12 years of age.

Every necessary particular will be found in the accompanying papers and accounts.

I have &c

(Signed) J. B Spedding
Ag. Sub Collector

(True Copy)

Alexander
Collector.

The Report of Kunhi Raman Kydiar, Jah=
sildar of Kurumbranad to J. B. Spedding Esqre
Sub-Collector of Malabar.

With reference to Orders No 1128 of 18th
April '71 and No 21 of 15th January '72, calling
upon me to submit a statement of the property
left by the late Kolakaten Chekutty Panikar
who appears to have died heirless, I herewith
submit 6 statements prepared by the second
Inspector Kanaran Nair of the property, com=
prising 275 plots of land, found on enquiry
to be in the said Panikars possession or belong=
=ing to him. I also submit, as per list, copies
of documents and depositions taken by Kanaran
Nair from such of the holders of lands and
under tenants as were met with by him.

The statements embrace properties
according to the several tenures under which they
are held.

Considering the nature of the claims
already brought forward, and the probabilities
there is of the holders of certain lands now
not known

From
The Collector
of Malabar

Sir

I have the honor to forward herewith a letter from the Collector of Malabar to the Secretary to the Board of Revenue dated 19th December 1872 No 3012

3
Rec 388/75
Duly/Mds 888/75

Copy of the Sub Collr's letter

unknown, bringing up fresh claims, I think alterations will have to be made, more or less, in the amount of Rs 58,000 and odd, the estimated value of the property as shewn in the statements. Further enquiry into the accuracy of the figures need not, I think, be made until the issue of an order for escheating the estate.

I have, in my Report No. 401 of 71 hinted at the fact now reported by the Inspector, that the female Cherumy who claims the property, saying that she and her children are the only heirs has other uterine relatives. But this need not now be examined into as the statement I made, in my Report No. 601 of 71, that the deceased Chekuty Panikar was not an heir of the late Kolathatan Rama Panikar, the real owner of the property under notice, but only his son-in-law, who managed his affairs and thus came into possession of the property, after his death, ~~retaining~~ retained by a copy of a list, discovered among the records of this Office, of property tendered as security by the said Rama Panikar when appointed Adhigary of Edakara in $\frac{1824}{1000}$, wherein it is stated that Rama Panikar has no heirs (vide Inspectors Report above alluded to). The original will, I think, be found among the Huzur records.

Chekuty Panikar never stated how he became the Panikar's heir but simply said that he was the heir according to nepotism. That he was not such an heir is seen by the said record, and by the Report No. 68 of 51 made by Chuthoo Nair, the then Tahsildar, alluded to in my report above quoted.

I am, therefore, of opinion that the claim of the female Cherumy, which is said to be derived through Chekuty Panikar, should be wholly set aside, and the property escheated to Government.

(Signed) Raman
Tahsildar.

Dated 25th January 1872.

(True translation)
Dy. for Collector.

Rev. 386/75

4

Forwarding a letter from the Collector of Malabar & the Secretary to the Board of Revenue, dated 9th December 1874 No. 3042.

Answered 29/1/75.

Copy of Report of the Collector of Tinnevelly, dated 6th Dec. 1874.

Revenue Department.

REVENUE DEPARTMENT.

No. 386.

From Bd of Rev.

Dated 26 January 1875.

FOR ORDERS.

The last person having a private legal estate in the property was Ramen Panikkar who died 1024 (A.D. 1850) His widow Cheketti Panikkar survived the husband for some years — and Cheketti Panikkar — in turn no doubt — his wife's daughter succeeded to the estate of the family

Heirless

the heirless head of the family.

2. Cheketti Panikkar apparently has children, and if they are by Rama Panikkar's daughter, their case is worthy of consideration of the object be to Escheat. These would be the natural

1875.

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p. 170.

person having

property

Collector's letter,

in M. C.

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Chekutty Nennard proper
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his nearest of kin
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Collector's letter,

in M. E.

Panikar

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the heirless head of the family.

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be to Escheat. These would be the
natural

a parently has children
by Rama Panikar's daughter their
case is worthy of consi
deration if the object
be to escheat — These
would be the natural heirs
and I think we should
know more about them
The Commissr Collr
Cherumi Chekutty Panikar is
not made out — old as
sorts that he has children
by 2 sisters — and if
so she would appear

FOR ORDERS.

Revenue Department.

No. 264

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 18th Feby 1875.

READ the following Proceedings of the Board of Revenue.

Subª for orders letter from Collr reporting that Rekakodan Chekutti Panikar of Cadakara Amshom, Kurumbranad Taluq, in Malabar Distt died heirless on the 26 September 1870 & stating that, in his opinion, his property to the value of about Rs 88,000 be declared as escheated to Govt

H. E. 26th January 1875. No 170.

The last person having a proper legal estate to the property was, according to the Collector's letter, Ramen Panikar who died in M. E. 1024 (about 1850). Chekuti Panikar his daughter's husband has occupied the property since that time in virtue, no doubt, of his wife's connection with the heirless head of the family.

2. Chekutti Panikar apparently has children, and if they are by Rama Panikar's daughter, their case is worthy of consideration of the object be to Escheat. These would be the natural

natives hears & further information is required about them.

3. The connection between Cherunni and Chekutti Panikar is not made out. The former asserts that she is the daughter of the Cutters sister, and if so, she would be a good claimant if the property belonged to Chekuttis Tarward. But it appears that it must pass in Ramen Panikars family, and of course Cherunni is no member of that family.

4. The Govt. therefore reject Cherunnis claim, and direct further inquiry about Ramen Panikars direct descendants.

for Mr. Nelson states that the appeals that they are children of two sisters. then is not the case.

Ltr fr orders

14 Feb Board of Revenue Dec 19 Feb

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12/2/75

Property of
custom-duties
at the Maldives
Port who dies
testate.