

(1) Number of pages 15-28
(2) Date of repair 15-3-73
(3) Initials of the Referencer _____

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.
B.P. No.

1753.

Press
Mis.

Dated

19-5-1877 197.

Not to be folded or roughly handled

REVENUE DEPARTMENT,
FORT ST. GEORGE,
19th May 1877.

No. 1,753.

Miscellaneous.

SIR.—With reference to your letter, dated 26th April last, No. 226.P, forwarding certain papers, and requesting an expression of opinion on points raised by His Highness the Nizam's Minister in regard to the principle on which a pensionary allowance was continued by this Government to one Narsimharaz, I am directed by His Grace the Governor in Council to say that the decision in question affects only rights within British territory, and was not intended in any way to influence the settlement of other claims coming before His Highness' Courts.

2. I am to add that no reason has been adduced by any of the parties concerned for altering the decision come to with regard to the pension.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) C. G. MASTER.

Ed. F. R. Bantleman.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

19th May 1877, No. 1,753.

Read the following papers:—

No. 363. From the Officer in charge of the Residency, Hyderabad, to the Chief Secretary to the Government of Fort St. George, dated Hyderabad, 26th April 1877, No. 226-P.

1. WITH reference to the correspondence previously noted to the pension and estate of the Anagundi Samasthan, I have the honor to forward, for the consideration of the Madras Government, English translation of Ruka, No. 821, of the 17th March last, received from His

Highness the Nizam's Minister, with its enclosure; and would request that the Resident may be favored with an expression of the views of the Madras Government on the several points raised in the Minister's Ruka in respect of the principle on which the last incumbent Krishna Devarayah's father's sister's son, Narsimharaz, has been selected as the proper recipient of the pensionary allowance granted by the British Government.

ENCLOSURE No. 1.
(TRANSLATION.)

From His Highness the Nizam's Minister, to the Resident at Hyderabad, dated 17th March 1877, No. 821.

With reference to your letter, No. 762, dated 29th March 1876, regarding the succession to the Anagundi Samasthan, and in which it is stated that all arguments and proofs adduced from the Shastras, whereon the Madras Government base their decision in favor of Raja Narsimharaz, are clear and conclusive as will be seen by referring to the proceedings of the Board of Revenue on the subject, and inquiring under which of these arguments I approve of the decision of the Madras Government, I beg to say that I have maturely considered the Madras Government Proceedings, dated 19th November 1872, and think it necessary to inform you that instead of changing the opinion I already held in this matter, the arguments therein brought forward have helped to confirm it. From the accompanying paper it will be found that all the arguments brought forward by the Madras Government do not bear upon the point at issue.

2. The Madras Government would appear to have considered the son of a paternal aunt as a male descendant, and as one having a claim to the estate. In my opinion it should also be considered whether such an individual's claim has the preference over that of other claimants, and whether his claim is sufficient to set aside those of others. This matter has been fully dealt with both in this letter and in previous correspondence. I admit that a paternal aunt's son has claim when there are no nearer relations and claimants who have a better claim, but when such nearer relations and individuals having better claim exist, the paternal aunt's son has no claim.

3. It is my desire that you will address the Madras Government on this subject, begging that they will forgive me for giving them any trouble in this case, but making them understand that, besides the good that the individuals concerned in this particular case may enjoy, I seek the good of the general public by giving consideration to the better claim of party or parties in such cases. Should the decision now differed from have been arrived at from any misconception of the grounds advanced in the case, it is not the individual loss in this case alone that induces me to take exception to the decision, but the risk we run in permitting its being used as a precedent in any future cases that may arise of a similar nature. Thus it will be apparent that it is not with a view to find fault but for the public benefit that I have written this.

4. If you do not furnish me with such arguments as will tend to refute all those brought forward by me, I will be induced to think that you have concurred with me in the view taken in this matter in which case I shall proceed to give effect thereto.

NOTE.—The enclosures referred to in this Ruka are extracts from standard legal works having reference to the point at issue in the case of the claim of Raja Narsimharaz to succeed to the late Raja.

(True Copies.)

(Signed) C. G. MASTER,

Officiating Secretary to Government.

Ed. F. R. Bantleman.

The Chief is returning to the Government
at Fort Saint George
Madras

Plated Hyderabad Residency 26th April 1877

Noted which passed between this Office and you

- 1 This office letter No 2530 dated 4th December 1876 on the subject of the
to the Madras Government. Succession to the Prince
2 Letter No 145 of 3rd February 1876 (Abraham No 22) and Estate of the Prince
Resident Department from the Madras
Government to the Resident Hyderabad

Same then I have the honor to forward for a

translation of Rukia No 821 of the 17th March 1877
received from His Highness the Nizam's Minis
with its enclosure and would request that
Resident may be favored with an expression
of

My consideration the proceedings above &
drawing attention to the 15th para of
of the Board of Revenue on the subject
and enquiring under which of these arguments
I

out by desire of Mr. Govt.

the proper receipt of the Pensionary allowance
anted by the British Government

I have the honor to be

Sir
Yours truly

W. H. M. Smith
In Charge

No. 9

My Consideration the proceedings above &
drawing attention to the 15th para of
of the Board of Revenue on the subject
and enquiring under which of these arguments I

out by desire of Mr. G. H. M.

Translation

From

His Highness the Nizam's Ministers

To

The Resident Hyderabad
No. 821 dated 17th March 1877.

With reference to your letter No. 62 dated
29th March 1876 regarding the succession to the
Anagondi Samasthan and in which it is stated
that all arguments and proofs adduced from
the Shastras, whereon the Madras Government
base their decision in favor of Raja Narasimha,
are clear and conclusive as will be seen by
referring to the Proceedings of that Government
which accompanied your letter No. 462 dated
20th February 1873, and again forwarding for
my consideration the proceedings above &
drawing attention to the 15th para of
of the Board of Revenue on the subject
and enquiring under which of these arguments

out by desire of the Govt.

from

The Resident Hyderabad

C1

Hyderabad

Dist-4263

Received 303

April 1877

No 2266

1877-5-7-1877

3022

Forwarding

English translation of

a Nika from the Nizam

the Nizam's Ministers

regarding the succession

with the Nizam of the Nizam

to the Nizam of the Nizam

in the Nizam of the Nizam

I approve of the decision of the Madras Government, I beg to say that, I have maturely considered the Madras Government Proceedings dated 19th November 1872 and think it necessary to inform you that instead of changing the opinion I already held in this matter, the arguments therein brought forward have helped to confirm it. From the accompanying paper it will found that all the arguments brought forward by the Madras Government do not bear upon the point at issue.

2. The Madras Government would appear to have considered the son of a paternal Aunt as a male descendant and as one having a claim to the estate. In my opinion it should also be considered whether such an individual's claim has the preference over that of other claimants, and whether his claim is sufficient to set aside those of others. This matter has been fully dealt with both in this letter and in previous correspondence. I admit that

that a paternal Aunt's son has claim when there are no nearer relations and claimants, & who have a better claim, but when such nearer relations and individuals having better claim exist the paternal Aunt's son has no claim.

3. It is my desire that you will address the Madras Government on this subject, begging that they will forgive me for giving them any trouble in this case, but making them understand that besides the good that the individuals concerned in this particular case may enjoy, I seek the good of the general public by giving consideration to the better claim of party or parties in such cases. Should the decision now differed from have been arrived at from any misconception of the grounds advanced in the case it is not the individual's loss in this case alone that induces me to take exception to the decision but the risk we run in permitting its being used as a

precedent

out by decree of the Court.

precedent in any future cases that may arise of a similar nature. Thus it will be apparent that it is not with a view to find fault but for the public benefit that I have written this.

4. If you do not furnish me with such arguments as will tend to refute all those brought forward by me, I will be induced to think that you have concurred with me in the view taken in this matter in which case I shall proceed to give effect thereto.

Note. The enclosure referred to in this Rukh are extracts from standard legal works having reference to the point at issue in the case of the claim of Raja Marsimharaj to succeed to the late Raja.

True Translation

Chauhan

Extra Jst Commr

1877

Rev. Sept

Letter from Resident Hyderabad
d/ 26th April 77.

G.O. 195/11/72

1588

in concurrence
with the Pds opinion,

Some time ago, Govt. had occasion to decide who should succeed to an hereditary office

which was granted, not on the cession of that district, by way of compensation for certain lands resumed. It was ordered, to prefer the sole surviving male lineal descendant of the original holder.

2. It seems that the same family has a small estate (fishery) across in Hyderabad territory, which was given them by the Nizam many years after our pension - into which of course we have nothing to do.

3. Nevertheless, our nominee takes our G.O. across to Hyderabad, & prays that the Nizam will follow suit. On which the Resident sends us a long opinion of a Mahomedan judge that the ladies of the family have the better claim.

Prop. 3rd 2/76.

145

4. We replied "we adhere to our opinion" In the draft I gave the argument, but the passage was sent out by desire of the Govt.

56. On receipt of your
reply, we Rest again
legs be Nigans to follow suit.
but he really cannot see his
way to it.

Submitted that we definitely
reply that we repeat we cannot
pursue the correspondence -
one knows pretty well how such
things are managed in Native
States - it is idle to chop

11/11/11
I think this is the
last time I shall say that our
decision affects only the
Native territories &
not intended to put
the Court.

No appeal has been law into a National
been preferred on the Radi-
mason stone for ally
the decision come to
with regard to the Pension
9/5 - M.

11/11/11

Smart

ST

11/11/11

Rev. Secy
Letter
from President
Hyderabad

Care

1st May 1877

Revenue Department
No. 1753 of 19-5-77

To, The President
at Hyderabad.

Sir,

With reference to
your letter dated 26th April
last No. 226 P forwarding
certain papers and requesting
an expression of opinion
on points raised by H. H.
the Nizam's Minister in
regard to the principle
on which a pensionary
allowance was continued
by this Government to
one Narsimharay, I am
directed by His Grace
the Governor in Council

to,

1877

to say that the decision
in question affects only
rights within British
Territory and was not
intended in any way to
influence the settlement
of other claims coming
before His Highness's
Courts.

2. I am to add that
no reason has been ad-
vanced by any of the
parties concerned for
altering the decision come
to with regard to the
Decision.

Q. 166
16.5.77

1753
5

To the Resident
at Hyderabad

Regarding the
continuance of the Anagar
Pagar Pension to
Saraswathi Bai

سری رنگمار عری
بنام
کیا
کدعی علیا

جانشینی مستان اکونڈی

کشف السرائر میں حکام ہروی کونسل ولایت است کہ اشخاص طبقہ ہندو و شکی ہندو
کے از طبقہ سپند و طبقہ سماند یک برتر و کات قابل تو اندیش نہ در خلاف آن چنانکہ در صفحہ
۴۴۹ کتاب مورانی این اسل مفیدہ کردہ بار سے لعل نوشتہ (۲)
والگرت ستر خیال کردہ می شود زوجہ بدرجہ چہ رحمت ستر بجالہ و ببارس از اشخاص
یابندگان توریت شمار کردہ می شود چنانکہ در منگناش باب ۲ صفحہ ۲۴-۱۰۰ و (۱۹) انگیزی (۱۰)

(a) And although it is laid down generally
that Brahmins after Sapindas and Samas
nadasas do succeed as heirs.
Vol. 12 M. S. A. Page 449

(ترجمہ) اگرچہ این امر سبب است کہ طبقہ ہندو بعد طبقہ سپند و طبقہ سماند یک توریت تو اندیش
(b) In default of son, grand son, and great grand son in the male line,
the inheritance descends directly to father and the widow inherits.
M. S. A. page 19.

(ترجمہ) در صورت نبودن بیٹوں اور پوتوں اور پرتونکی در شہ الکی سیکونسل و گورنمن ہندو
اور بیوہ موافق قانون بگاڑ کے وارث ہوتی ہے و در ہمان کتاب صفحہ ۲۴-۱۰۰ و (۱۹) انگیزی (۱۰)
و ہمینان در کتاب اسٹریچ ہندو لافضل ۲۳ نوشتہ (۱۰)

۱۱/۱۵

(ترجمہ) دران شک نیست کہ زوجه اعلم از بیکہ اولاد داشته باشد یا نہ بحالت عدم موجودگی اہل ذکور حق جاید و شوہر متوفی خود است و دختران را حق توریث بعد مرگ زوجه شخص متوفی میرسد
ازین مصاف ثابت گردیدہ کہ زوجه اولی تر از دیگران بشکل نبودن پس و پس در عراج بودہ است پس کہ تواند ہمید کہ در صورت موجود بودن زن و دختر پس عمرہ نہ سماراج مستحق تواند گردید
انچہ استدلال در تجویز لورڈ اف ریونیوارا مندرجہ مقدمات مذکرہ آن شدہ از بیانات ذیل تطبیق آن از مقدمہ ما نحن فیہ ظاہر میشود

اول مقدمہ گردنا ریلعل مندرجہ مورادین اسل صفحہ ۳۳۸ و ۳۳۹ م دست (۵)

حالت مقدمہ ہذا اینست کہ زمیندار ضلع ریکورسی ویندروچندرای بغیر گذشتن بیک از انجنان ورتہ کہ استحقاق میراث داشتہ باشند مرد سرکار بنگالہ بنام گردناری لعل مدعی علیکہ کہ اورا لایق توریث ندانستہ سب قبضہ ناجائز او خود را مستحق قرار دادہ مدعی گردید چنانچہ دران نوشتہ

والرکونر ملاحظہ شود بخوبی واضح کہ ہر گاہ قرابت داران قریبہ موجود نبودند میراث او بہ کہ میرسد بہرالہ فاعلہ است ہر گاہ قریب تر کسان بناتند قرابت داران سلسلہ اعلیٰ پدری و نسب داران مادری کہ آنہم داخل طبقہ بنزد ہستند شمار کردہ میشوند چنانچہ در صفحہ ۳۳۸ م نوشتہ (۵)

(a) In this appeal the suit was brought by the Bengal Government against the appellants to establish the title of the Government to the ground of an estate, to a zamindari situate in the Pillaah Bangalore, as well as the moveable property which had belonged to one Wopu. has died without issue, and also as it was urged by the Government without leaving any other person who was by the Hindu Law entitled to succeed as heir to his immovable and moveable estate.

W. H. C. Vol. I p. 448, 449

(b) A Hindu (a) died without leaving any nearer

Rangpur

۱۵/۱

انجنان در متاکچہ باب فصل اول فقرہ ششم ترقیم یافتہ (۵)

ازین مصاف تر مثال اینست کہ در مدراس نای کورٹ بمقدمہ پریم مل بنام فکتمال طلی یافتہ صفحہ ۲۲۷ جلد اول

(a) According to the law as current in Benares in default of the son and sons son and grand son, the widow (a) succeeds to the property under the limited tenure above specified.

W. H. C. page 22

(ترجمہ) بموجب دہم شتر کے جو بنارس میں راج ہی در صورت ہونی بی اور پوتی اور پوتی کی بیوہ کو وراثت حق محدود جسکا اوپر بیان ہو چکا ہی ہو بخوبی ہی

(b) That in default of male issue, the widow succeeds her place being assigned her, in every enumeration of heirs, next after son and before daughters

W. H. C. 133

(ترجمہ) در حالت نبودن از اہل ذکور استحقاق قائم مقامی بزوجه میرسد استحقاق او مطابق بنابر بعد پسر شخص متوفی و پشتر استحقاق دختر شخص متوفی قرار یافتہ

(c) The wealth of him who leaves no male issue, goes to his wife, on failure of her, it devolves on daughters; if there be none, it belongs to the father, if he be dead it appertains to the mother.

Mitakshra (Ch. II 81 Para 6)

(ترجمہ) مال متوفی در جائیکہ کدای اولاد او از ذکور نہ باشد بقبضہ زوجه اش میرود و ہر گاہ زوجه نہ باشد مالک آن مال دختران شخص متوفی میباشد و اگر نہ دختران کسی نہ باشد آنگاہ بہ پدر متوفی میرسد و اگر پدرش ہم فوت شدہ باشد مادرش مالک مال می تواند شد

(d) Now it is undoubted that a widow whether childless or not stands next in the order of succession on failure of male issue and the daughters can only succeed on failure of widows.

(ترجمه) مرافع بعد فوت او پند چند رای بدین میان دعوی کرد که چون عزیز قریب تر قسم ذکر
 بود رسوم سراده انجام ساخته بدیخت بابت متروکه او وارث است

چون این سروپ برادر زاده شوهر سماه چکنی بود هیچ واسطه ازین جایز نداشت - مندرج
 پس مشیره رنگنا تهر (که بعد دوران مقدمه فوت کرد و بجایش زوجه اش را فرو کرد) دعوی خود و گیر
 چنانچه در کتاب مذکور صفحه ۲۸ اجلاس کامل ترقیم است - (a)

این مقدمه نه حرف مخالف مقدمه بذات بلکه می باشد میگوید بوده است زیرا که هنوز زوجه و دختر
 رسمی انکت رام راج زوجه کشتن دیوراج زنده موجود اند اگر انکت رام راج را بجای رنگنا تهر فرض
 کرده شود پس استحقاق زوجه او و خود از مقدمه ظاهر زیرا که زوجه رنگنا تهر بعد فوتش قاضی و متصرف
 گردیده بود

و بعد فوت زوجه رنگنا تهر دخترش چکنی قاضی شد اینجا هم یک دختر ناکند موجود است
 بعد فوت سری رنگنا زوجه انکت رام قاضی شد پس مطابقت در مقدمه مفقود و استحقاق
 نیز سماراج بالکل ناپیدا بلکه او بر گز استحقاق دعوی کردن ندارد و حاجب سماه رنگنا
 یاد دخترش و یکجا هیچ بیعی تواند شد

(a) The land which formed the subject of the suit was formerly the
 property of one Raghunath on whose death without leaving male issue,
 it came into the possession and enjoyment of his widow. When the
 widow died Raghunath's daughter Kachilumani succeeded to
 the property and at her death it passed into the possession of her
 husband's nephew named Sarup.

The present suit was instituted on the 21st April 1864,
 by one Sandalal, seeking to obtain possession of the property for
 himself on a title superior to that of Lakhmanarayan Sarup, and
 all others who claim through Kachilumani. Sandalal (who died
 since the filing of the plaint, was the son of Raghunath's sister,

relative than the brother of his grand mother
 Vol. XII M. S. A. p. 448

(ترجمه) یک کس هندو پند گذشتن قریب تر عزیز و نگاه میراث به برادر زاده او میراث
 در مقدمه مذکور صفحه ۲۰۶ در حرف بار یک یعنی فوت چهار کتاب متناهی که بنای مقدمه
 شد مقولات (a)

در مقدمه مذکور مدعی علیه سبب نبودن شخص قریب تر متوفی سراده هم نموده بود چنانچه صفحه ۲۰۶ (ب)

پس در اینجا که یک کس قریب تر نبود بنا بر آن توریت بسلسله بعد یعنی پس عمر رسید و در مقدمه
 زوجه و دختر قریب تر بود پس عمر حاجب آنها هرگز نمی تواند شد و این پس عمر سراده هم نموده
 است و پس هیچ نوع لطایق نوعیت ندارد و در مقدمه آن مقدمات استدلالی غلط تواند شد
 که آن تصدیق تاریخی بنام همی برین پس عمر مقدمه نه است پس در مقدمه
 لایق توجه

مقدمه مذکور سبب فوت رنگنا تهر مالک ملکیت که بعد از آن زوجه اش بوجه گذشتن
 اولاد و قاضی تر و کات شد و بعد مرگ او سماه چکنی دخترش قاضی مقام او گردید هرگاه او فوت
 کرد کسی سروپ قاضی جایز داشت

(a) The wife and daughter also both Parents Brothers.

M. S. A. Vol. XII p. 448

(ترجمه) زوجه و دختر و برادر و برادران

On Wopendra Chander Raj's death the Appellant, as the nearest
 male relative surviving him, performed his Shradha, claimed
 his property as heir.

Vol. XII M. S. A. p. 449

and in the Character he contended in this suit, that on the death of Rachilman he was the heir of Raghnath, and entitled to take his immovable property.

B. & F. B. Buildings p. 28.

(۱) در مقدمه مذکوره خود در رای حیف بیش یکاک صاحب بهادر بنفیه مرقوم است که در فوت
 نبودن وارثان قریب ترک یکم برادر مادر یعنی خال باشد مستحق تورث تواند گردید
 مقدمه ثالث یعنی مقدمه منفصل در سالی کورث جلد ۲۹ صفحه ۲۹ نیز مثل مقدمات مذکوره
 یعنی بعد از یک پیمانی نرسا ماسمی صلیکاتی تری را مانن گردید یعنی دعوی کرد که ادرشته دار
 راجه کالا و کولنگو پال را و شوهر مسماة پیمانی نرسا ماست و بعد از یک سال قبل رجوع
 دعوی بر ملکیت مدعی علیه اول قاضی گردید

بعد فوت اصل مالک زوجه است و در مقدمه قاضی بود و بعد از آن زوجه منزل ع آغاز گردید
 هم مثل مقدمه مذکور هرگز نمی تواند شد بلکه می تواند بود

علاوه در سالی مقدمه ۲۹۲ بیش است صاحب بهادر بنفیه مرقوم است که در فوت
 مذکور نباشد پس در قریب تر است و در وقت میرسد و در صورت نبودن سلسله سماندیک
 سلسله نبود -

انقرض مقدمات مذکوره بالا مستند بود و اف ریونیو هرگز متعلق مقدمه مذکور نباشد و در سالی
 مروج هم خلاف ظاهر و زیاده تر نماید این وجه مذکوره بالا از کتاب ستر گردی هندو لاف
 ۲۲۲ و ۲۲۳ و ۲۲۴ بخوبی می تواند شد

(۲) Preach. b. 1. Law of opinion that in the absence of nearer
 relatives a man may be heir to his mother's brother as regards
 property subject to the suit. Kasha

B. & F. B. Buildings Vol. II p. 47.

(ترجمه) در رای من هرگاه غیر نزدیک تر نباشد انکس وارث تواند شد که برادر مادر او باشد
 موافق سلسله متاخره ۲ - بنگال لایو رت اجلاس کا ماسمعه ۴

(b) He claimed to succeed to this property as the next of kin
 to the husband named R. K. Gopal Ram, of a lady named Lachmi
Saraswathi into whose possession after the death of her husband
 the said property came, and which property after the death
 of the wife came improperly into the hand of 1st Defendant.

M. H. Vol. II p. 279.

(c) If there be no male issue the nearest kinsman inherits,
 or in default of kindred the preceptor.

M. H. Vol. II p. 292

(ترجمه) هرگاه کسی از اهل ذکور نباشد غیر نزدیک تر در صورت نبودن اواران بعد از اهل ذکور
 یا در صورت نبودن اواران بعد از اهل ذکور

True Copy

Prayer
 Extra App. Comm.

Handwritten signature/initials.

Handwritten mark or signature.

Rev. 2
2329/4

17-5-17