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MADRAS RECORD OFFICE

Government of Madras

Revenue DEPARTMENT

G.O. No. 579 Press
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Dated 2.5-1884 ~~195~~ .

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 4th August 1883, No. 2245 :—

Read—the following letter from J. B. PENNINGTON, Esq., Collector of Tinnevelly, to the Secretary to the Board of Revenue, dated 18th April 1883, No. 256 :—

I have the honor to submit the following case for the consideration and orders of the Board of Revenue.

2. The annual allowance of Rs. 373-5-4, sanctioned in G.O., No. 621, dated 24th June 1851, to the relations of Etbar Khán was distributed among them as shown in the margin under Extract from Minutes of Consultation, dated 21st October 1851, No. 1043. Number 2, Hál Muhammad Qádir Khán, died in 1875, and his portion descended to his son and is drawn at Trichinopoly at his own request. Number 5, Hayát Bibi, has not drawn her allowance since Fasli 1254 (1844), and Number 4, Bohan Bibi, died sixteen years ago, and their allowances consequently lapsed to Government.

	Rs.	A.	P.
1. Hál Muhammad Nathad Khán.	84	0	0
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3. Roshan Bibi	168	0	0
4. Bohan Bibi	18	10	8
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Total ...	373	5	4

3. Number 3, Roshan Bibi, died in 1878, leaving no direct heirs. Number 1, Hál Muhammad Nathad Khán, and one Ava Bibi claim the allowance. The former is the son of the deceased Roshan Bibi's first husband's brother and already draws a separate allowance of Rs. 84 per annum, and the latter is the daughter of Roshan Bibi's sister.

4. In my opinion the allowance should either lapse to Government or descend to Ava Bibi, the daughter of the deceased's sister. Number 1 can have no claim to it, as he already receives a separate allowance for his support.

Reference on the above, dated 7th May 1883.

The Collector will report on the following points—

(1) The relationship between Roshan Bibi and Etbar Khán, whether by blood or marriage, and if only by marriage, how he considers her sister's daughter, Ava Bibi, can have any claim to the allowance.

(2) Why the claims now put forward have been delayed since 1878, when, it is reported, Roshan Bibi died. The dates when the claims were made, and the explanation of the parties for the delay, if with them, should be reported.

(Signed) J. A. DAVIES,
Acting Sub-Secretary.

To the Collector of Tinnevelly.

Read—Petition from HAL MUHAMMAD NATHAD SHADI KHAN SAHIB, grandson of Muhammad Etbar Khán Sáhib, residing at Tinnevelly Cusba, Tinnevelly District, dated 12th May 1883.

Reference on the above, dated 29th May 1883.

Referred to the Collector of Tinnevelly for report, in connection with Board's reference, dated 7th May 1883, on G.R. No. 2834 of 1883.

(Signed) J. A. DAVIES,
Acting Sub-Secretary.

To the Collector of Tinnevelly, with file to be returned.

Read—the following letter from J. B. PENNINGTON, Esq., Collector of Tinnevelly, to the Secretary to the Board of Revenue, dated 26th June 1883, No. 410:—

In reply to the Board's reference, dated 7th May 1883, on General Register No. 2834 of 1883, I have the honor to report that Roshan Bibi was the wife of Hál Etbar Khán, the son of Etbar Khán, the original grantee, and related to him by marriage only. In the last paragraph of my letter No. 256, dated 18th April 1883, I have stated that the allowance should either lapse or descend to Ava Bibi, as she comes under the head of distant kindred according to the Muhammadan law.

2. Roshan Bibi died on the 30th April 1878, and the fact was noted in the list of Yeomiahs submitted to the Board on the 14th February 1879, and her name was struck off the list. In May 1878, Hál Muhammad Nathad Khán and Yúsuf Khán on behalf of his wife, Ava Bibi, claimed the allowances. The petitions were referred to the Tahsildar for inquiry and report, on receipt of which the Treasury Deputy Collector rejected their claims on the ground that they are not lineal heirs. Ava Bibi again presented a petition to the Treasury Deputy Collector in May 1881, praying him to reconsider the former order. It was likewise rejected. Thereupon an appeal has been made to me. As the claimants are not lineal heirs, I referred the matter for the orders of the Board.

3. The file received with the Board's reference, dated 29th May 1883, on Petition Register No. 1510 is herewith returned.

Resolution—dated 4th August 1883, No. 2245.

One Etbar Khán, during his Foujdarship, obtained from the Nawáb of the Carnatic the grant of twelve villages in the Tinnevelly district of the value of Rs. 12,482 on favorable rent for the support of the five chattrams constructed by him for the protection of travellers between Madura and Tinnevelly. Yeomiahs were also granted from the proceeds of these villages to certain poor and infirm people, some for service and others for subsistence, and to the relations of Etbar Khán named in the margin. The lands were resumed and incorporated with Government lands in 1851, with reference to Extract, Minutes of Consultation, dated 24th June 1851, No. 621, and payments were ordered to be made from the treasury to the establishments entertained for the chattrams and to the Yeomiahdars above referred to. In recommending the continuance of these Yeomiahs, the Board, in their Proceedings of 8th May 1851, observed that the Service Yeomiahs should be made the subject of tabular report on lapses occurring, that the subsistence grants should be resumed on the death of the then incumbents, and that the allowances to Etbar Khán's relations should be continued to the then existing

	Monthly Allowance. RS.
(*a*) Hál Etbar Khán, son of Etbar Khán	14
(*b*) Hál Shauthee Khán, son of Etbar Khán	14
(*c*) Hál Gausee Khán, son of Etbar Khán	14
(*d*) Rajam Bibi, wife of Etbar Khán	14
(*e*) Roshan Bibi, daughter of Etbar Khán	14
Total ...	70

members of the family "and to their heirs," in the five shares in which they were entered in Mr. Cotton's register of 1818. In sanctioning the continuance of these Yeomiahs, the Government approved of the Board's suggestion regarding the disposal of the service and subsistence grants on the occurrence of lapses and called for lists showing the names, &c., of the existing holders. A list, showing the names of the then existing members of Etbar Khán's family, and the amount drawn by each, as shown in the margin, was accordingly furnished by the Collector and communicated by Government to the Audit Office for information and guidance —*vide* Extract, Minutes of Consultation, dated 21st October 1851, No. 1043. The first of these, Roshan Bibi, wife of Hál Etbar Khán, the son of Etbar Khán, died in 1878, and the continuance of her allowance is claimed by the second person, Hál Muhammad Nathad Khán, who is said to be the son of Roshan Bibi's first husband's brother and by one Ava Bibi, daughter of Roshan Bibi's sister. The Collector states that the allowance should either lapse to Government or descend to Ava Bibi and not to Hál Muhammad Nathad Khán, who already draws a separate allowance of Rs. 7 per mensem, and who does not appear to be heir to Roshan Bibi by Muhammadan law.

	Monthly Allowance. RS. A. P.
(1) Roshan Bibi, wife of Hál Etbar Khán (*a*)	14 0 0
(2) Hál Muhammad Nathad Khán, son of Hál Shauthee Khán (*b*)	7 0 0
(3) Hál Muhammad Qádir Khán, son of Hál Shauthee Khán (*b*)	7 0 0
(4) Raban Bibi, daughter of Roshan Bibi, (*c*) ...	1 8 10
(5) Hayát Bibi, daughter of Roshan Bibi (*c*)	1 8 10
Total ...	31 1 8

2. The only surviving members of the family now drawing pensions are the above named Hál Muhammad Nathad Khán and one Hál Asathulla Khán, to whom the allowance of Rs. 7 per mensem, drawn by Hál Muhammad Qádir Khán (3), was continued after his death, with reference to the Board's Proceedings, dated 16th March 1877, No. 1187.

3. Hál Muhammad Nathad Khán, in his petition read above, states that he is the legal heir of the deceased Roshan Bibi, and requests that the allowance, which is hereditary, should be continued to his son, Ibrahim Khán, in preference to Ava Bibi, who, he says, has no right to it.

4. The case will be submitted for the orders of Government. As the claimants are not lineal heirs of the late Roshan Bibi, the Board do not recommend the continuance of the allowance.

(A true Copy and Extract.)
(Signed) F. A. NICHOLSON,
Acting Sub-Secretary.

To the Secretary to Government, Revenue Department, with Petition No 1510 and enclosures to be returned, and copy of Board's Proceedings, dated 15th March 1877, Mis. No. 1187.
To the Collector of Tinnevelly.

No. 311.

OFFICIAL MEMORANDUM.

Adverting to Board's Proceedings, dated 4th August 1883, No. 2245, the undersigned is directed to request that it may be ascertained whether the genealogical tree, which formed one of its annexures,* is correct, and, if so, whether either of the grand-daughters of Roshan Bibi is now in existence.

* Herein enclosed for ready reference and return.

(Signed) H. E. STOKES,
Ag. Secy. to Govt., Rev. Dept.

OOTACAMUND,
5th September 1883.

To the Board of Revenue, with one enclosure to be returned.

READ—again the following G.O., dated 22nd February 1884, Mis. No. 847, Revenue:—

Read—the following Proceedings of the Board of Revenue, dated 15th February 1884, Mis. No. 1378:—

Read—Official Memorandum from the Secretary to Government, Revenue Department, dated 5th September 1883, No. 311, and reference thereon dated 15th September 1883.

Read—also the following letter from A. J. B. ATKINSON, Esq., Acting Collector of Tinnevelly, to the Secretary to the Board of Revenue, dated Nángunéri, 2nd February 1884, No. 50:—

In reply to your reference on Sub-Register No. 3383 of 1883, and Proceedings, No. 253, dated 23rd January 1884, Routine, I have the honor to return the enclosures to the former paper and to state that it has been admitted on all sides before me that both Banú Bibi (X) and Hafiza Bibi (Y), shown on the genealogical tree, are alive. What is denied is that these ladies are the daughters of a son of Roshan Bibi by a second husband. Regarding this second marriage, Nathad Shadikhan, the petitioner, has produced no evidence. My opinion is that the yeomiah lapsed on Roshan Bibi's death in 1878.

Resolution—dated 15th February 1884, Mis. No. 1378.

Submitted for the information of Government with reference to their official memorandum, dated 5th September 1883, No. 311.

(A true Copy and Extract.)

(Signed) G. MACKENZIE,
Acting Sub-Secretary.

To the Secretary to Government, Revenue Department, with genealogical tree returned.
Copy to the Collector of Tinnevelly.

Order—dated 22nd February 1884, Mis. No. 847, Revenue.

The Collector should have made inquiry, and reported his opinion whether the affirmation or denial of the relationship of the two ladies to Roshan Bibi is correct. He will now make full inquiry and report.

(True Extract.)

(Signed) H. E. STOKES,
Secretary to Government.

To the Board of Revenue, with genealogical tree to be returned.

READ—also the following Proceedings of the Board of Revenue, dated 5th April 1884, No. 1256:—

Read—the following letter from A. J. B. ATKINSON, Esq., Acting Collector of Tinnevelly, to the Secretary to the Board of Revenue, dated 27th March 1884, No. 169:—

I have the honor to acknowledge the receipt of the Board's Proceedings, dated 5th March 1884, Mis. No. 2062, communicating the Order of Government, dated 22nd February 1884, Mis. No. 847, and to return the genealogical tree which accompanied the former paper with the following report.

2. In my letter No. 50, dated 2nd February 1884, I stated the facts regarding the alleged relationship of two ladies to Roshan Bibi and I gave my opinion, the facts and opinion both having been based on the hearing of evidence taken by myself in the matter. At that time, I took all the evidence which any of the party had.

3. I regret that my letter did not sufficiently explain this.

4. I have again called upon the parties to produce their evidence, have examined their witnesses and heard their vakils. I am still of the same opinion that "regarding the second marriage of Roshan Bibi, Nathad Khán, the petitioner, has produced no evidence."

5. The précis of what his four witnesses said is as follows:—

(*a*) *Abdullamiah Sáhib*, 66 years old, states that he had heard that Roshan Bibi had a son by one Nawáz Khán, who died 25 years ago or so, but that he did not know of the marriage. This witness gave a statement on the 10th October 1882 at the beginning of this inquiry and omitted the above-written fact entirely.

(*b*) *Saiyid Abdul Qádir Sáhib*, aged 45, late Kazi of Tinnevelly, admitted the keeping of marriage registers, but that none were so old as to show that of the second marriage of Roshan Bibi. He also had heard something, but I could not believe him in any respect whatever.

(*c*) *Nabi Khán*, aged 72, stated that Nawáz Khán and Roshan Bibi lived in the same house when he was 20 years old, and that the world said that the father of the two ladies now claiming through their husbands was the son of Nawáz Khán and Roshan Bibi.

(*d*) *Husain Khán*, aged 48, stated what the world said, and let out that Nawáz Khán had two wives, the former of whom (not Roshan Bibi) had many children who took all his property. He did not know where or in whose house Roshan Bibi died.

6. The opposition called two men—

(*a*) *Kasim Khán*, aged 60, swore that Roshan Bibi lived by herself and was known as a descendant of the Nawáb.

(*b*) *Esoph Khán*, aged 54, swore like his predecessor that Nawáz Khán had only one wife whose name he gave; that their son, through whom the ladies now claim, was the real Rahmán Sáhib shown on the genealogical tree; and that Roshan Bibi never married a second time. This man also added that Roshan Bibi used to go to the treasury to get her pension because she was a widow, and that if she could not go, he (witness) went for her.

7. The only question referred to me is whether the ladies, on whose behalf their husbands' claim, are descended from Roshan Bibi by a second marriage.

8. That the ladies are married and alive is admitted; that they are the daughters of one Rahmán Khán is not denied; that Rahmán Khán was the son of Roshan Bibi by a second husband Nawáz Khán is, I consider, not proved. I do not believe that Roshan Bibi was married a second time. She was admittedly barren by her proved husband, Hál Etbar Khán, and it is odd that after that she should have given a son to Nawáz Khán who had already four sons and a daughter by a previous wife. It is also proved that Roshan Bibi did not get for herself or for her alleged son by him any of Nawáz Khán's property on his decease.

9. My opinion, therefore, is that the yeomiah lapsed on Roshan Bibi's death in 1878, and that the present claimants have no ground.

ENCLOSURE—Genealogical Tree.

Resolution—dated 5th April 1884, No. 1256.

Submitted to Government with reference to G.O., dated 22nd February 1884, No. 847.

(A true Copy and Extract.)

(Signed) G. MACKENZIE,
Acting Sub-Secretary.

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(A true Copy and Extract.)

(Signed) G. MACKENZIE,
Acting Sub-Secretary.

To the Secretary to Government, Revenue Department, with genealogical tree to be returned.

Copy to the Collector of Tinnevelly.

2ND MAY 1884, No. 579, REVENUE.

ORDER—dated 2nd May 1884, No. 579, Revenue.

Miscellaneous.

In the circumstances now reported, the pension enjoyed by Roshan Bibi will be declared to have lapsed.

(True Extract.)

(Signed) H. E. STOKES,
Secretary to Government.

To the Board of Revenue, with petition No. 1510, and three enclosures returned.
" the Accountant-General.

Exd. W. H. French.

40 Copies.

BOARD OF REVENUE, 4TH AUGUST 1883, No. 2245.

PROCEEDINGS OF THE BOARD OF REVENUE.

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4. In my opinion the allowance should either lapse to Government or descend to Ava Beebee, the daughter of the deceased's sister. Number 1 can have no claim to it, as he already receives a separate allowance for his support.

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The Collector will report on the following points—

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Total ...	70

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(5) Hayath Beebee, daughter of Rosham Beebee (*e*) ...	1 8 10
Total ...	31 1 8

2. The only surviving members of the family now drawing pensions are the abovenamed Hál Muhammad Nathad Khán and one Hál Asathulla Khán, to whom the allowance of Rs. 7 per mensem, drawn by Hál Muhammad Qádir Khán (3), was continued after his death, with reference to the Board's Proceedings, dated 16th March 1877, No. 1187.

3. Hál Muhammad Nathad Khán, in his petition read above, states that he is the legal heir of the deceased Rosham Beebee, and requests that the allowance, which is hereditary, should be continued to his son, Ibrahim Khan, in preference to Ava Beebee, who, he says, has no right to it.

4. The case will be submitted for the orders of Government. As the claimants are not lineal heirs of the late Rosham Beebee, the Board do not recommend the continuance of the allowance.

(A true Copy and Extract) F. Aaron

Acting Sub-Secretary.

To the Secretary to Government, Revenue Department,
with Petition No. 1510 and enclosures, to be returned,
and copy of Board's Proceedings,
dated 15th March 1877, Mis. No. 1187.

„ Collector of Tinnevelly.

Exd. A. F. Aaron.

Go 24 June/81 No 621
Go 21 Oct/81 No 1043

Revenue Department
No 5223

1883.

Board of Revenue.

MADRAS.

DEPOSIT OF MADRAS
16 AUG 83
REVENUE DEPARTMENT

Printed August th.

Proceedings, 4th August 1883, No. 2245.

Enc 5
Weeks 15/8/83

Submitting, for orders of Government, papers in connection with certain *Veomiah* allowance in Tinnevelly District.

5/1-8-83. C 28-11-83.
5/1-9-83. C 1-5-84

PROCEEDINGS OF THE BOARD OF REVENUE.

Read—the following letter from A. J. B. ATKINSON, Esq., Acting Collector of Tinnevelly, to the Secretary to the Board of Revenue, dated 27th March 1884, No. 169 :—

I have the honor to acknowledge the receipt of the Board's Proceedings, dated 5th March 1884, Mis. No. 2062, communicating the Order of Government, dated 22nd February 1884, Mis. No. 847, and to return the genealogical tree which accompanied the former paper with the following report.

2. In my letter, No. 50, dated 2nd February 1884, I stated the facts regarding the alleged relationship of two ladies to Roshan Bibi and I gave my opinion, the facts and opinion both having been based on the hearing of evidence taken by myself in the matter. At that time, I took all the evidence which any of the party had.

3. I regret that my letter did not sufficiently explain this.

4. I have again called upon the parties to produce their evidence, have examined their witnesses and heard their vakils. I am still of the same opinion that "regarding the second marriage of Roshan Bibi, Nattad Khan, the petitioner, has produced no evidence."

5. The précis of what his four witnesses said is as follows :—

(*a*) *Abdullamiah Sahib*, 65 years old, states that he had heard that Roshan Bibi had a son by one Navaz Khan, who died 25 years ago or so, but that he did not know of the marriage. This witness gave a statement on the 10th October 1882 at the beginning of this inquiry and omitted the above-written fact entirely.

(*b*) *Saiyid Abdul Qadir Sahib*, aged 45, late Kazi of Tinnevelly, admitted the keeping of marriage registers, but that none were so old as to show that of the second marriage of Roshan Bibi. He also had heard something, but I could not believe him in any respect whatever.

(*c*) *Nabi Khan*, aged 72, stated that Navaz Khan and Roshan Bibi lived in the same house when he was 20 years old, and that the world said that the father of the two ladies now claiming through their husbands was the son of Navaz Khan and Roshan Bibi.

(*d*) *Hussain Khan*, aged 48, stated what the world said, and let out that Navaz Khan had two wives, the former of whom (not Roshan Bibi) had many children who took all his property. He did not know where or in whose house Roshan Bibi died.

6. The opposition called two men—

(*a*) *Kasim Khan*, aged 60, swore that Roshan Bibi lived by herself and was known as a descendant of the Nawab.

(*b*) *Esoph Khan*, aged 54, swore like his predecessor that Navaz Khan had only one wife whose name he gave ; that their son, through whom the ladies now claim, was the real Raiman Sahib shown on the genealogical tree ; and that Roshan Bibi never married a second time. This man also added that Roshan Bibi used to go to the treasury to get her pension because she was a widow, and that if she could not go he (witness) went for her.

7. The only question referred to me is whether the ladies, on whose behalf their husbands claim, are descended from Roshan Bibi by a second marriage.

8. That the ladies are married and alive is admitted; that they are the daughters of one Raiman Khan is not denied; that Raiman Khan was the son of Roshan Bibi by a second husband Navaz Khan is, I consider, not proved. I do not believe that Roshan Bibi was married a second time. She was admittedly barren by her proved husband, Hall Etbar Khan, and it is odd that after that she should have given a son to Navaz Khan who had already four sons and a daughter by a previous wife. It is also proved that Roshan Bibi did not get for herself or for her alleged son by him any of Navaz Khan's property on his decease.

9. My opinion, therefore, is that the yeomiah lapsed on Roshan Bibi's death in 1878, and that the present claimants have no ground.

ENCLOSURE No. 1.—Genealogical Tree.

RESOLUTION—dated 5th April 1884, No. 1256.

Submitted to Government with reference to G.O., dated 22nd February 1884, No. 847.

(True Copies and Extract.)

Acting Sub-Secretary.

To the Secretary to Government, Revenue Department,
with gencalogical tree to be returned.

Copy to the Collector of Tinnevelly.

Exd. J. Henricus.

Revenue (1884) Department

No. 2561

REVENUE DEPARTMENT.

1884.

Board of Revenue,

MADRAS.

Printed April th.

Proceedings, 5th April 1884, No. 1256.

Submitting to Government letter from Collector of Tinnevelly furnishing further report called for regarding certain *Vcomiah allowance.*

To

His Excellency the Right Honourable
the Governor in Council Madras

The humble petition of Ava Bhibi residing at the
Palaya Pallivasal Sickin thafurah street in the
Tinnevelly town

Most humbly sheweth

1. That the Omiahdhar No 16 in the Tinnevelly District named Rosan Bhibi died. The Petitioner applied to the Collector that she is her heir the Collector valued her right and wrote to the Board for instructions to grant it to the Petitioner or to take it for the Government. The Petitioner understands that the Board has written about it to the Government. The Petitioner prays that this Petition will be taken into the favorable consideration of the Government when perusing the Board's proceedings

2. The Petitioners ancestor Yedhibarkan erected 5 Choultries and two Mosques and granted property worth 3 lacs of Rupees for their support

3. Subsequently in consequence of some family dispute the Government took the property and granted Omiah for the support of the family.

4. Rosan Bhibi was one of those Omiahdahars

She has no issue. The Petitioner is her sister's daughter and is as a daughter to the deceased Omiah dhar. The Omiah obtained by female descendants should be inherited by the female heirs, under the following Mohommedan Law viz Jordan's Mohommedan Law Principles of Inheritance No 45; P. C. Sense Mohommedan Law page 175; Table of succession distant kindred No 19 Indian Law Report Vol 4 page 1165.

5. If there were no heir the Omiah would be taken by the Government. This case is not so.

6. The Collector did not write plainly to the Board that the Petitioner is the heir under the Laws above quoted: and the Board did not take notice of it.

The Petitioner therefore earnestly prays that the Government will condescend on mature consideration of her rights to order the Omiah to be granted to her and thus protect the Petitioner.

21st August 1883 ಯಾಚಕರ ಹೆಸರಾಗಿರುವರು

CHIEF SECRETARY
GOVERNMENT OF MADRAS
6 OCT 93

[8]

(1883.)

REVENUE DEPARTMENT.

R. P. No. 1282

From Ava Bibi

Occupation

Village Palaya Pallivasal

Taluk Sithintapura St

District Tinnevelly

Dated 31st August

Received 5th Sept.

Enclosures

SUBJECT.

Praying that the Yomiah enjoyed by Rosan Bibi be continued to her.

For

C 28-4-84.
R 1-5-84.

Jan Bergaon
31-3-84
Superintendent
Ennore

3

To

His excellency the right honorable
the Governor in Council Madras

The humble memorial of Hava Be Bi Ammal wife
of Esuf Khan Sahib residing in Secunderpura street,
Tinnevelly town, Tinnevelly Taluq Tinnevelly District

Most respectfully showeth

That the Petitioner submitted a memorial on the
31st August 1883 to the effect that the Petitioner being
sisters daughter of Roshan Be Bi Yomiadar No 16 in
Tinnevelly who died leaving to the legal heir according
to Muk'hottons Mahomedan Law Principles of in-
heritance No 15, P. 6. sence Mahamidan Law page
145, tables of succession distant kindred No 19; that
the Collector recommended the Petitioner to the Reve-
nue Board to continue the Yomiah in the Petition-
er's name and that the Government might take the
matter into due consideration and bestow the
Yomiah upon her

Upon this proceedings was sent to the Coll-
ector to make necessary enquiry into the matter
whether there was a second marriage to Roshan Be
Bi and whether there are any other legal heirs to
her and to submit a report. Accordingly the Collec-

this month hearing both parties and examining all witnesses has submitted a report your excellency to the effect that Roshan Bi Bi was not married a 2nd time and that there is no such an entry in the recordes of the Khagi kept according to Mahamidan Law

3 It has been admitted by the opposite party that the Petitioner is the daughter of the deceased's sister. According to the Mahamedan Law the Petitioner is the legal heir of the deceased

4 Hereditary Yomia will cease only when the Hereditary line fails but the Petitioner being the legal heir begs most humbly that the Government will continue it in her name under the following grounds (1) this Yomia is not the Enam granted by the Government (2) the rules of Yomia are not applicable to the Petitioner (3) this Yomia is the one granted for our maintenance in lieu of our forefathers property taken by the Governed

5 The Petitioner therefore most humbly prays that your Excellency will be most graciously pleased to order the continuance of the Yomia in the name of the Petitioner for the support of the poor family whose property was taken by the Government, on the

consideration of this memorial and the one submitted on the 31st August 1881 and the report of the Collector.

31st March 1884 } For which act of charity the humble Petitioner shall as in duty bound ever pray

O [illegible]

1877.

Board of Revenue,

MADRAS.

PROCEEDINGS, 16TH MARCH 1877, No. 1,187.

Read

Received

MARCH.

No. 1,187.

Subsistence allowance—of Rupees 84 per annum enjoyed by deceased Hal Mahomed Khader Khan, of Tinnevelly District.—Sanctioning continuance of—to his son Hal Asathulla Khan, and authorizing payment of arrears subject to audit of Accountant-General.

17 15 X

REVENUE DEPARTMENT.

No. 5223 F/1883
1189 F/1884 — i.e. Fasli 1293/1294 A.D.
2561 F/1884
Proc. 424 and 1252

From Board of Revenue

Dated 5th April 1884-24th 12-56.

FOR ORDERS.

X C. Nos 1100 and 2561.

Her facts of the case were noticed in the previous notes for orders, and the information called for thereon is now received and submitted. It will be seen that the second marriage of Roshan Bibi is not proved, and that consequently the alleged relationship of Banoo Bibi and Hafeza Bibi to her is not established. These ladies can therefore have no claim to the pension enjoyed by Roshan Bibi.

Her next claimant is Ava Bibi. For no other claiming heirship are* Roshan Bibi, she has no claim

* Vide Note heretofore Shadi Khan's petition to Board. 4/12-5-83.

C 28-4-84.
02-1-5-84.

[9]

(1884.)

REVENUE DEPARTMENT.

R. P. No. 424

From Hawa Ali Sri

Mahomed Ibrahim Sahib

Madura

Occupation

Village Secundarapuram Athuk

Taluk Srivilliputtur Palni & Dindigul

District

Dated 31st March 1884

Received 4 April 1884

Enclosures

SUBJECT.

Report for Lapsed Inams

Sir, I have the honour to be, &c.

To Hon.

For

No. 1,187.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 16th March 1877.

Read the following paper from A. J. STUART, Esq., Acting Collector of Tinnevelly, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 1st December 1876, No. 726 :—

Tabular Report of lapsed Inams in the District of Tinnevelly.

Case No.	Taluq and Village, extent and value of the entire Inam.	When and by whom granted; Name of the original Grantee; Sanad or other Documents in support of the grant.	Nature of the grant, charity or service; Nature of the duty prescribed by the grant.	Name of the last Holder, date of his decease, and the relationship in which he stood to the Grantee.	Share enjoyed by the Deceased and that held by the other Members.	Family left by the Deceased and name and age of the Parties, their circumstances, and the means of subsistence possessed by them.	Recommendation of the Collector and the grounds on which it is made.	Recommendation of the Board of Revenue.	Decision of Government.
1	2	3	4	5	6	7	8	9	10
1	Huzur Treasury, Rupees 8¾ per annum.	Granted by Ethar Khan Sahib from Chuttrum surplus revenue previous to Fasli 1216.	Subsistence allowance.	Hal Mahomed Khader Khan, grandson of the original grantee, died on the 12th September 1875.	Entire Yeomiah.	Hal Asathulla Khan, son of the deceased, aged 20 years. Possesses no other means of subsistence besides this Yeomiah.	This is one of the five Yeomiahs sanctioned in paragraph 8 of Extract from the Minutes of Consultation, dated 24th June 1851, No. 621, and paragraph 3 of Extract from the Minutes of Consultation, dated 21st October 1851, No. 1,043, for the support of Ethar Khan's relations. As it appears from paragraph 12 of the Board's Proceedings, dated 8th May 1851, that these Yeomiahs should be continued to the heirs of the then incumbents, of whom the deceased, Hal Mahomed Khader Khan, was one, the Collector recommends the continuance of the Yeomiah enjoyed by Hal Mahomed Khader Khan to his son, Hal Asathulla Khan, with arrears from 1st July 1875 to 30th November 1876, amounting to Rupees 119. The delay in disposing of this case is owing to Hal Asathulla Khan having proceeded to Trichinopoly to perform the funeral obsequies of his father, who had gone there and died.		

THE Board sanction the continuance of the allowance to Hal Asathulla Khan, son of the deceased. They also sanction payment of the arrears subject to the audit of the Accountant-General.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Sub-Secretary.

To the Acting Collector of Tinnevelly.
Copy to the Accountant-General.
Exd. A. S. Rodgers.

either. But attention is solicited
to Rev petitions Nos. 424 & 1282
of 1884.

The Board have already
held that Shah Mahomed
Nattiad Khan is not an heir to
Roshan Bibi by Mahomedan
Law, altho' he is so to the original
Grantee.

For want of legal heirs
to Roshan bibi, therefore, the
Province has evidently lapsed
to Government.

Let a final order — absolute.

In the circumstances as
reported, the premises enjoyed
by Roshan Bibi will be
declared to have escheated.

2.5.84.

16.5 The Board of Revenue
b. Asst Secy
with Petn. 1510 of 83 Enclosures Nos. 15.5.84

C n 2561.

FOR ORDERS.

Regarding a Memorial
allowances in Inam enquiry case

13 17

REVENUE DEPARTMENT.

No. 5223

om Board of Revenue

Dated 4th August 1883. Rec'd

FOR ORDERS.

The facts of the Case are fully
narrated in the Board's Proceedings
The Board do not recommend the
Continuance of the allowances as
petitioners of the two claimants is
in their opinion, the lineal heir
of the late Rashaun Bebee.

The points for Consideration
are :—

I Is the petitioner of an hereditary
Character ?

II If so, is the Board's view
that neither of the claimants is a
legal heir under the Mahomedan
Law Correct ?

As to the first point, there
is no doubt that the petitioner

hereditary, so far as the relations of Ethar Khan, the original grantee, were concerned. It could not well be otherwise, considering the origin of the grant. The general rule on the subject is this:—

"except in cases where the pension is of the nature of private property or is an allowance in perpetuity in lieu of property given up to Govt, pensions granted hereditarily cease when the hereditary line fails, and do not pass to adopted children."

S.R. 138 para 2 page 210.

As regards the second point, the position is not at all clear. According to one portion of the Board's Proc, the 1st claimant Hal Mahammad Nathad Khan is the original grantee's second sons son, and according to another

x para 12 of Bombay d/ 8th May 1851 no 206.
para 8 E.M.C. 24th June 1857 no 624
E.M.C. 21st Oct 1851 no 1043

the" is said that the son of Roshan Beebee's first husband's brother. Now there is nothing to show in the Board's Proc who that first husband was. In a genealogical table in the files, that husband is shown to be Hal Ethar Khan the eldest son of the original grantee. Of this too the Case, the relationship referred to is the same in both Cases, and the claim is that he already gets a separate pension of 137 a month and "he does not appear to be heir to Roshan Beebee by Mahomedan law" The second claimant is the deceased Roshan Bebee's sister's daughter.

The question as to which of these has a better title to the pension can if necessary be referred to the Legal advisers of Govt, if the Govt

Vide also para 3 of the Collr's first letter.

The genealogical tree makes the thing clear. Roshan Bee was first married to the son of Ethar Khan, & as his widow on his pension of Rs 7. She married again & had a son, who had two daughters married to grandsons (sons sons) of Ethar Khan. Hal Muhammad Nathad Khan, the claimant, is one of them.

The pension inherited by Roshan Bee was vested in her (See Can III at pp 84 of the volume put up). Her relations over there of her husband have claim to succeed. Hal Muhammad Nathad Khan apparently has no claim in his own right.

But the two daughters of Macnaghten's Mahomedan Law is put up but the second is not clear.

Roshan Bee and Shamsu

16

C.R. 5223

FOR ORDERS.

C.O. 2—8—83 [illegible]

are prepared to continue the pension. Neither of them could under the head direct lineal heirs in respect of the deceased, although either of them does if the original grantee be taken into account.

Re: a pension, Immediately

Wish her late Thompson ava Beebee claims would have been a residuary heir if she had survived. (Vide 18 & 25 p. 4 of this Act) But she apparently predeceased Rosham Bee, and her daughter ava Bee has therefore no claim. If Rosham Bee's granddaughters are still alive they would seem to be her heirs. Suggested that enquiry be made as to the correctness of the genealogical tree & as to the existence of surviving of their granddaughters.

J.H.S.

C 27-8-83.
R 1-9-83.

2342-20
18·7·28 II
6·1·39 II

Original

Gobt. of {1884} Madras.

REVENUE.

Issued

Recd.

Encl.

G.O., 2nd May 1884, No. 579.

MAY.

Yeomiah Allowance

in Tinnevelly district.—Certain — enjoyed by Roshan Bibi declared to have lapsed to Government.