

Revenue (1892) Department.

MISCELLANEOUS SERIES.

G.O., No. 2440

Confidential No 531.

DATED 19 May 1892

[Despatch Abstract.]

Approving the instructions issued by the Comptroller of Wards
re. Succession to the Attumalai estate in Tirunelveli.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Confidential

1892.

Court of Wards, MADRAS.

Current number 4180.
Confid no — 50
To The Secretary to Govt
R.D.



Proceedings, dated 5th May 1892,
No. 1474. Enclosures 4.

Subject.

Communicating with
instructions letters from the
Government Pleader re:
succession to the Uthumma
lai estate (Tinnevely)

Confidential



Proceedings of the Court of Wards.

Dated 5th May 1892.
No. 1474.

READ the following papers:—

(I) Letter from the Collector of Tinnevely dated 31st January 1892, No. 141 O.E. and the following references thereon dated the 11th March 1892.

The papers will be forwarded to the Government Pleader for opinion.

One Irudalaiya Marudappa Tevar, zemindar of Uthumalai in the Tinnevely District died in August last, leaving two widows (1) Annapurna Nachiar and (2) Minakshisundara Nachiar; and an adopted son Nevanita Krishna Marudappa Tevar. The estate was taken under the superintendence of the Court of Wards on behalf of the minor son. But he died in December last; and the question now is who is entitled to succeed to the estate.

... Annapurna

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Annapurni Nachiar was married to the late zemindar in 1864. But she does not seem to have ever lived with him. The late zemindar filed a suit, N^o 17 of 1889 on the file of the Sub-Court, Tinnevely to obtain a declaration of the validity of the divorce, which he alleged he had pronounced against her 2½ years after their marriage on the ground of her parents' conversion to Christianity. The Sub-judge, however, found that no divorce had actually been pronounced, and that even if it had been pronounced, it would not bind Annapurni Nachiar, and accordingly dismissed the suit. The zemindar, before his death, preferred an appeal to the High Court, but the Court of Wards has taken no steps to prosecute the appeal on behalf of the late minor. In regard to Minakshisundara Nachiar, it is alleged that she was taken as a concubine in 1866, but the zemindar himself (who was hostile to Annapurni Nachiar) spoke of her as his wife, and even as his first wife; and it is presumed, therefore, that both Annapurni Nachiar and Minakshisundara Nachiar must be treated as the legally married wives of the late zemindar.

The late minor was adopted by Mudalaiya Marudappa Tavar and Minakshi

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Minakshisundara Nachiar, being the brother's son of the latter. Annapurni Nachiar was not present, and has, in fact, all along been disputing the fact as well as the validity of the adoption of the boy by her rival.

The question for decision is, who is the rightful heir to the estate; and the matters for consideration appear to be.

(1) Whether Annapurni Nachiar and Minakshisundara Nachiar are heirs to the late minor, Navanita Kistna Tavar;

(2) Whether the fact that Annapurni Nachiar took no part in the adoption of the late minor deprives her of her right, if any, to succeed the minor;

(3) Whether the fact that Minakshisundara Nachiar took part in the adoption of the late minor makes her his sole heir; and

(4) Whether as the estate is considered to be an impartible one, only the senior widow can take it.

(II) Letter from the Ag. Government Pleader dated 9 April 1892, N^o 366, and the following reference thereon dated the 13 April 1892.

The Collector of Tinnevely is requested to report at an early date after due enquiry whether Annapurni Nachiar or Minakshisundara Nachiar was first married by Marudappa Tavar, the

the late zemindar of Uthumalai. He is also requested to report whether the lady first married has "the means, ability and discretion" to manage the estate. The records of the enquiry should also be forwarded.

(III) Proceedings of the Board of Revenue dated the 28th April 1892, N. 2568:-

With reference to the Government Pleader's opinion dated 9th April 1892, in re succession to the Uthumalai estate, a demi-official letter received from the Collector is herewith forwarded to the Government Pleader with the request that he will be so good as to favor the Board with his advice as to what should be done. The Government Pleader observed that the senior widow was entitled to take the estate. The Collector was asked to ascertain and report whether Annapurni Nachiar or Minakshisundara Nachiar is the senior widow. The Collector reports that it is understood that while a marriage with the former in the ordinary form was being performed and before it was completed, the late zemindar threw his dagger at the latter, thus constituting with her a "dagger marriage". It is not known whether this mere throwing

76 of the dagger would be held to constitute a complete and legal "dagger" marriage, and whether the fact that the dagger was thrown while the other marriage in the approved form was being performed and before it was completed would make Minakshisundara Nachiar as the senior wife of the late zemindar. On this question as well as on the question whether, admitting that the "dagger" marriage had been performed, such marriages are legally valid marriages among Maravars, and would rank on a par with ordinary marriages conducted in the regular way, the Government Pleader is requested to favor the Board with his opinion.

2. The Board would also like to know whether if it is found impossible without a judicial enquiry to ascertain which of the ladies was first married to the late zemindar, the Collector's suggestion that the estate should be registered in the names of both ladies, and retained under the management of the Court of Wards on their behalf, could by any possibility be accepted. If the reply to this question is in the affirmative, the Board would like to know how the ladies or either of

of them can still proceed to establish
her status as the senior widow.

(IV.) Letter from the Ag. Government

Pleader dated the 2nd May 1892, N.A.

Resolution

The Board's Proceedings of 28th
April quoted above and the Government
Pleader's reply thereto will be commu-
nicated to the Collector of Tinnevely
with the request that he will at once
file an interpleader suit under Section
470 of the Civil Procedure Code in the
capacity of Agent of the Court of
Wards, and apply to be appointed
Receiver of the Uthumalai estate
as the Collector of the District.

2. Copies of the correspondence
read above and of the present proceed-
ings will be submitted to Government
with the request that the orders issued
in para 1 above may be approved.

(True Copies + Extracts)

[Signature]
Ag. Secretary to the Court of Wards

To the Collector of Tinnevely

Secretary to Government, Revenue Department
with 4 letters in orig. (to be ret. &)

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Recd C. No. 4180 of 1892

G.O. No. 2419th May 1892 No. 2440

16/5/92 The instructions issued by the
Court of Wards are approved.

[Signature]
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To The Court of Wards with the
original enclosures returned.

Note. The Geminder of Uthumalai in
the Tinnevely district (a child two years
having died, the Court of Wards which
has charge of the estate has to decide
as to who should succeed him in the
Gemindari. The claimants are two widows
of the last but one Geminder who had
adopted the deceased. One of them
named Annapurani was divorced 2½
years after her marriage & her husband
filed a suit to obtain a judicial decision
confirming the divorce but failing in
the local Civil Court preferred an appeal
to the High Court which is stated to be

still pending. This lady did not give her consent to the adoption which she repudiates.

The other named Minakshisundari was married by the Zemindar throwing a dagger at her & it is alleged that this was done before the marriage with Annapurani was completed. She accordingly claims to be the senior widow, & having been a party to the adoption, demands that she be recognized as heir to her adopted son.

2. The Court of Wards has in fact to decide the following issues:-

(a) whether both the widows of her adoptive father may succeed the deceased Zemindar or only the lady who was a party to his adoption;

(b) If the former, whether the fact of the Zemindar being impotent requires that the senior among them should be recognized as heir.

3. Whether Annapurani or Minakshi Sundari is the senior;

(c) whether the divorce pronounced against the former is invalid as held by the local Courts;

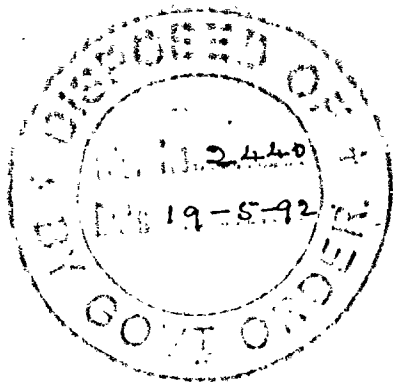
(d) whether the marriage of the latter by a dagger being thrown at her constitutes a valid form of marriage.

3. The Court of Wards has been in communication with the Collector & the Govt Pleader & has decided that it is ~~not~~ useless to hold any enquiry on the subject as the case is eventually bound to go to the Courts. The Court of Wards has no interest in the estate other than that of a mere stakeholder & being unable to decide between the rival claims has accepted the suggestion of the Govt Pleader that an interpleader suit be filed under section 470 of the Civil Pro. Code & that the Collector should ask the Court to appoint him receiver under section 504 of the same Code.

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C. No 4180 of 1892

Re. Uthumalai estate in Tinnevely
under the management of the Court of Wards



The Honble Mr. Justice
The Honble Mr. Justice

When given for copying _____
When copied _____
When examined _____
When signed _____

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READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

H.B.—

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