

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 1256

DATED 5th March 1897

[Despatch Abstract.]

Sanctioning the purchase of certain lands
out of the funds of the escheated Konde estate ^{in S. G. G. G. G.} and
the writing off of Rs 411-5-1 payable to that
estate under the decree in certain Suits.

BACK PAPERS.

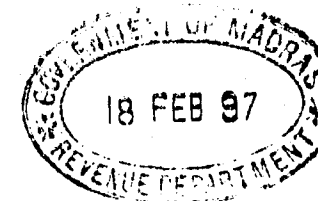
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

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Revenue (1897) Department.

CURRENT No. 1486



He Hon. Mr. C. J. G. R.

Order No. 12564 S March 1897
4/3/97

From

The Board of Revenue,
Land Revenue, Madras.

No. 584 Misc.

The Board's proposals in paras 4 & 5 of its Proceedings read above are sanctioned.

Dated 15th February 1897

Received 18-2-97

Registered 18-2-97

Enclosures 4

Spare copies

SUBJECT.

Requesting Govt. to sanction the purchase of certain lands out of the funds of the escheated Konde estate & the writing off of Rs. 411-5-1 payable to that estate under the decrees in certain suits and granting permission to notify delivery of certain property to the civil court as requested by the Collector of South Canara.

To the Bd of Rev (L.R.) with such.

(A) 10 Mar. 97
Noted.

The Bd's Res. states the facts clearly.

2/3/97
R. S. P.

Repts. clerk 19.2.97

Sub. 9-3-97

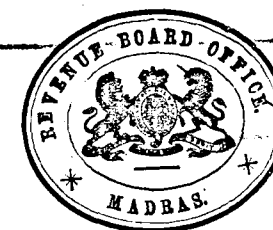
BACK PAPERS.

G.O.	No.	Department.	\$ Date.

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3,000
10-12-96.



Proceedings of the Board of Revenue (Land Revenue)

NO.584 Misc.dated 15th February 1897.

Read letter from W.H.Welsh Esq., Collector of South Can-
-ra to the Secretary to the Commissioners of Land Revenue, Madras, -
Ref.on C No.2181-Ver dated 14th December 1896.

Read also letter from the same officer Ref.on C.No.2146-
Ver.dated 30th January 1897.

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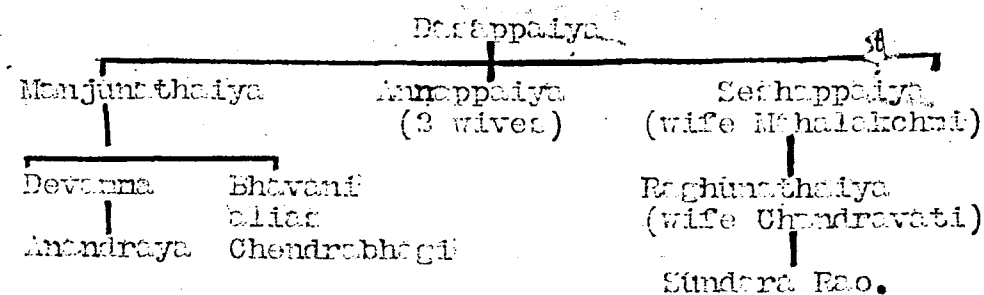
Resolution.

Submitted to Government.

2. In G.O.No.892 dated 4th March 1895 sanction was accord-
-ed for the institution of a suit against one Annappaiya for the -
recovery of certain lands, which together with other property had -
been sold by him and his brother Seshappaiya's widow (as mother --
and guardian of one Raghinathaiya) to one Venkappaiya. The lands were
subsequently acquired, by mortgage and court-sale, by the predecessor
in interest of Konde Puttamma on whose death the Konde Estate Es-
cheated to Government. But the possession of these lands had not --
been delivered to the vendee, as stipulated in the sale deed, on the
death of Kaveriamma for whose maintenance they had been ^{set} apart
before the date of the sale. Before the suit was actually instituted
Annappaiya died; and it also came to the Board's notice that two --
suits (O.S.Nos.20 & 24 of 1893 on the file of the District Munsiff
of ^{Puttur} ~~Puttur~~) had been instituted for the recovery of a portion of the
same lands by the daughter of Annappaiya's divided brother Manjuna-
thaiya and by a grandson of the same person by another daughter, --
and that the person in possession of the lands to be sued for was,
not Annappaiya as was originally supposed, but his undivided

brother Seshappaiya's son's son named Sundara Rao. (vide genealogical tree on the margin)

The plaintiffs in the two suits together claimed a third share of the



lands as heirs of Manjunathaiya under a stipulation in the partition deed entered into between the three brothers. The deed provided that the lands set apart for Haveri amma's maintenance should be divided equally between them on her death, but it stipulated that the division was not to take place until after the death of Haveri amma; and as Manjunathaiya had predeceased the holder for life without leaving any male issue, the whole of Haveri amma's lands appeared to have vested in Annappaiya and his brother Seshappaiya's son to whose interests Government, as the owner of the escheated Konde estate, succeeded.

5. In the above altered circumstances, the suit sanctioned by Government was filed against the plaintiffs in O.S. Nos. 30 & 34 of 1893 referred to above and against Sundara Rao, the person in possession of the lands; and Government was also added as a party to O.S. Nos. 30 & 34 of 1893. The District Munsiff of Puttur who tried all the three suits together decreed only two-thirds of the property to Government with mesne profits and proportionate costs, and disallowed its claim to Manjunathaiya's 1/3 share, on the ground that on a proper construction of the sale and partition deeds, the share had not passed to Government. O.S. No. 30 of 1893, which was instituted by Manjunathaiya's daughter's son, was decided in his favor. The suit filed by Manjunathaiya's daughter (O.S. No. 34 of 1893) was dismissed by the original court as barred by limitation, but the decision was reversed on appeal. Sundara Rao, the person in possession of the lands, preferred an appeal to the District Court with the result that the amount of mesne profits decreed to Government was slightly reduced.

4. In the first of the letters read above, the Collector asks for sanction to purchase for Rs. 600 the 1/3 share decreed to Manjunathaiya's heirs (the plaintiffs in O.S. Nos. 30 & 34 of 1893) on the ground that it would add to the saleability of the estate without risk and would save expense in dividing the warg in which the share is included. The price proposed to be paid also falls short of 1/3rd of the value of Haveri amma's lands reserved in the sale-deed referred to in the preceding

para (viz Rs. 3138-vide para 3 of Board's Proceedings No. 1045 Misc. dated 15th February 1893). The Board supports the Collector's recommendation.

5. In the second letter read above, the Collector requests that the sum of Rs. 411-5-1 payable by Sundara Rao (represented by his mother & guardian Chandravati) to the escheated Konde estate in the shape of mesne profits and costs under the decree in the original and appeal suits may be remitted, as he has no means to pay the amount or any part thereof and as he has allowed Government to take over 2/3rd share of the property without proceeding in execution. The sanction of Government to the remission of this amount is requested, subject, however, to the verification thereof with reference to the original and appellate Courts' decrees. This duty should now be undertaken by the Collector and the result reported.

6. The Permission is granted to notify delivery of the property to the Civil Court.

(True Extract)

Ree
Secretary.

To.
The Secretary to Government, Revenue Department, with 3 letters & enclos. in original to be ret'd.

The Collector of South Canara.

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

189

READ AGAIN G.O., No.
 189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

AGREEMENT WITH DITTO

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