

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 1900

DATED 29 April

[Despatch Abstract.]

Calling for further information regarding a pecuniary pension
proposed by the Collector of N. arcot to ^{be} continued to one Syed alidul
Hussain Sahib.

BACK PAPERS.

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

FURTHER PAPERS.

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

*old Record
M 13/12/8*

Revenue (189 8) Department.

CURRENT No. 1740.

Order

From The Collector of
North West.

Refrence No. 623 of 97.



Dated 28th February 1898

Received 3rd Mar.

Registered 3rd Mar.

Enclosures

Spare copies

SUBJECT.

Recommending the
renewal of zemindari to
1897 in the name of said
Abdul Hussain Katcha
Sahib the share enjoyed
by the deceased said Abdul
H. H.

BACK PAPERS.

G.O.	No.	Department.	Date.
E.L.	1188		31.10.87
S.O.	436		28.1.88
P.O.	752		4.2.89.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Statement of lapsed

Yemial

recommended for renewal in the District of North Arcot.

Case No.	Tabuk and Village, extent and value of the entire Inam.	When and by whom granted, name of the original grantee, Sum in support of the grant.	Nature of the grant, charity or service, if 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 original grantee.	Share enjoyed by the deceased and that held by the other members of the family.	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.
1	2	3	4	5	6	7	8
28 497	North Arcot Village No 120 a year	Not known No Sum is available	Defraying the expenses of a dargah it with flowers and scent. Distribution of sugar on Thursdays Lighting and cleaning & performing annual mosques.	Syed Abdul Kali Sahib died on the 28th July 1896 His relation- ship to the original grantee is not known.	The deceased enjoyed No 120 a year These are 10 shares holders of whom 9 get No 120 a year each a year and the 10th gets No 84 a year	The deceased has left behind him no son, no daughter, & no wife but a brother by name Syed Abdul Hussain Bacha Sahib aged 50 years. He gets a monthly Yemial allowance of No 15-8-0 at Chittoor and he has some buildings rented out	The following three individuals claim the registry of the Yemial in question. 1. Selaman Khan Sahib. 2. Syed Abdul Hussain Bacha Sahib & 3. Syed Abdul Khader Sahib. No 1. is the sister's son of the deceased. He claims the Yemial on the ground that it was bequeathed to him by the deceased. He is now a Sepoy in the Military Department. According to the opinion of the Moulvis enclosed it appears that the above mentioned bequest was illegal in as much as the property bequeathed was not at the time in possession of the testator. This is in conformity with Mahomedan Law of inheritance which states that the validity of a legacy depends on the testator's being possessed of the property at the time of his decease. The bequest in this case must therefore be considered illegal. Hence the 1st Claimant has no legal right. 3/ Claimant No 2 is the brother of the deceased. He attested the will of the deceased executed in favour of

3/20+9
= 1580
1580
1564

Claimant No 1. As the well is invalid, he has a legal claim to the yeomiah.

Claimant No 3 is a direct descendant of the original grantee Syed Abdul Kader Sahib. The original grantee enjoyed two yeomiahs one of which is now in dispute and the other is being enjoyed by Syed Abdul Wajid Sahib, the brother of Claimant No (3).

From the genealogical tree filed by this Claimant, it appears that the persion now in dispute after having been enjoyed by Syed Kader Sahib the original grantee passed to his son-in-law Mir Gulam Muhammad Sahib and then to his son Mir Gulam Mustaba Sahib. This Mir Gulam Mustaba Sahib died without issue and the persion was allowed after his death to Mir Abdul Ali Sahib, the last holder.

The last holder is the son of Afiz Syed Gulam Muhammad Sahib, the sister's husband of Mir Gulam Muhammad Sahib who was the son-in-law of the original grantee Syed Kader Sahib.

From the above it will be seen that Claimant No 2 who is the brother of the last holder is not directly connected with the family of the original grantee. But as one of the two persion enjoyed by the original grantee is already enjoyed by Syed Abdul Wajid Sahib, a direct descendant of the original grantee it seems undesirable that the other persion also should pass to the same

family as would be the case if it were given to Claimant (3). Taking into consideration the fact that the persion is indisputable once passed away from the family of the original grantee, I recommend that the Claimant No 2 who is the brother of the last holder may now be registered. Records are enclosed.

North Arcot
Subcollector's Office
Camp Noori 15-11-97

/signed/ C. Ramachandrarao
for ag. Subcollector

Copy forwarded to the Secretary to Government Revenue Department for orders.

2. I support the Subcollector's recommendation that the yeomiah be registered in the name of Saïad Abdul Hussain Bateh the deceased's brother (2d Claimant).

3) The deceased enjoyed the allowance under

G. O. dated 31st October 1848 to 1188.

4) As regards the performance of the service the Subcollector reports that they are satisfactorily rendered in terms by the 10 yeomiahdars, who jointly hold the persion by terms. The deceased was only one of ten share holders

the entire yeomiah and 2 of the rival claimants nos 2 & 3 have produced witnesses to show that they are doing the service required of them. The brother of no 3 (Saïad Abdul Wajid Sahib) is a share holder which is an explanation for no 3 performing the ceremonies, but this performance does not give no 3 a right to succeed to the share of one of the other share holders.

5) His report further shows that the building where the Akar was kept is in ruins and that the box was consequently removed and kept in the house of Saïad Abdul Khader (no 3) and worshipped there. He had no business to do this and it was probably purposely done to secure the yeomiah allowance to himself. All the members may be directed to restore the building to its proper state and remove the box there.

With Akar
Collector's office
28 February 1898
ch

Hanumanagar
For Collectors

Note This is a somewhat complicated case from N. Arcot regarding the succession to a service yeomiah pension of the annual value of Rs 120.

It is submitted that the question may await the ^{reply to the} reference proposed. Search has been made in the old records office, but in the absence of any clue, it has not been possible to trace the papers required.

2 In para 2 of the B's letter in E. m. C. No. ¹¹⁸⁸ _{31.10.48} it is mentioned that the entire allowance of Rs 1164 was divided among ten Khadims (servants of the durgah). ~~Sahib~~ ^{therefore} Syed Abdul Wali Sahib could not have got his out of the ten shares; so that it is not clear how ^{it happens that} Syed Abdul Wajid Sahib is also the holder of one share.

Me
28-1-98

DEPA
R DE
DER.
Read letter from the Collo
of North Arcot Ref on C. No 623 of 9
d 28.2.98.

(Cuo 1740 of 98)

G. C. No: 1900 Mis. d/ 29 April 1898

The Collector of N. Arcot
will be
requested to furnish the ~~Government~~ ^{information}
~~most with~~ more detailed ~~account~~
regarding
of the pension ~~held~~ held by the
deceased Syed Abdul Ali. Sahib
and of the pensions stated to be
now enjoyed by Syed Abdul Hussain
Bateha Sahib and Syed Abdul
Wajid Sahib, with special reference
to the following points:-

i. None of the three pensions
referred to above ^{appear} ~~are~~ included in the
list of money allowances circulated
with B. P (LR) No 694 d/ 11.8.88.
nor are ^{the} first two pensions mentioned
in the list of living disbursements
in the N. Arcot district.

ii. The nature of the monthly
allowance stated to be ~~now~~ enjoyed
by Syed Abdul Hussain Bateha Sahib
is not stated.

iii. No information is given as to whether
the two pensions originally

* Column
para 7 of the talukar report.

* para 4 of the Sub Collector's
remarks in Column 8 of the
talukar report.

* para 26-28 of S. 6 $\frac{436}{28.4.82}$ (Part D)

* para 4 of the Sub Collector's
remarks in Column 8 of the talukar report.

enjoyed by Syed Atidul Kader Sahib
the original grantee were continued
in two separate families.

iii In para 4 of the Collector's
endorsement it is stated that Syed
Atidul Wajid Sahib is ~~one~~ ^{another} of the holders
of the ten shares into which the entire
pension of Rs 1164-0-0 originally
granted for the support of the servants
of the Dargah of Huzrat Asau
Moorbarick at areot was divided,
while from the Sub Collector's
remarks it would appear that the
pension now enjoyed by the said Syed
Atidul Wajid Sahib is the same as
the allowance held which was held by
Syed Atidul Kader Sahib (the original
grantee) along with the pension of Rs 120
per annum, the succession to which is
now in dispute.

In furnishing the above
information called for above, the Collector
should refer to the ^{note} ~~fact~~ ~~as possible~~ to the
provisions under which the pensions
are granted or continued.

Mu
28/4/88
[Signature]
to the Collector, areot.

para 2 of the B.D. letter in
E. M. C. No. 1188 / 31.10.48 / flag G.

* in para 4 of the remarks in Column 8
of the tabular report.

When given for copying _____
When copied _____ } 189
When examined _____
When signed _____

READ AGAIN G.O., No. _____
189

CURRENT NO. _____

ENCLOSURES TO G. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

SENT WITH DITTO

NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only