O/9. 8,000—6-8-98.

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 2899-2900

DATED 11th July 1898

[Despatch Abstract.]

Forwg. to the Govt. of India joint memorial from Namakal Venkata Rao and Jivanji Bai appealing against the orders of this Govt. declining to reconsider the decision passed in their case in 1871.

BACK PAPERS.

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

FURTHER PAPERS.

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

C

O
18 4.97—19-7-97.

Revenue (1898) Department.

CURRENT No. 4265

Order

From

Jivanni Boyee &
Shamkal Venkata Rao
Mysore.

No.

Dated 10 June

Received 14 "

Registered 15 "

Enclosures 5

Spare copies.

SUBJECT.

Authenticating duly as pointed out in Endt. No. 1901 R. & Resub- mitting their joint petition re. the legal heir of the Hereditary Pen- sioner Shamkal Krishna Row, late Head Shirastadar of S. Canara and praying that it may be forwarded to the Govt. of India at an early date.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Rev

CHIEF SECRETARY TO GOVERNMENT OF MADRAS
20 MAY 1898

PETITION
0388
REVENUE DEPT

To

His Excellency the Governor in Council
Madras.

The humble petition of Vankal VenkataRao and Jivanni Baji re. re care of M. R. Ry. R. Padmanabha Rao, 3/1 Hanumanta-rayan Street, Triplicane.

May it please Your Excellency in Council,

We the petitioners most humbly and respectfully beg to submit enclosed a petition to the Government of India, praying that the orders passed in 1866 and 1871 recognising one Jivu Baji (not Jivanni Baji) as the next legal heir of the Hereditary Pensioner Vankal Krishna Rao, Late Head Sheristadar of South Canara, be reviewed and cancelled in the light of the specific judgment in the case Since passed by Court of Judicature

2. Our prayer to Your Excellency in Council to that effect, having most unfortunately for us been rejected in endorsement dated

1898
REGISTERED
No. 5
Dupcat No. 1265

dated 16th February 1898, we most humbly and respectfully and with greatest deference, pray that the enclosed petition be kindly forwarded with the support of Your Excellency in Council as we still firmly believe that a review of our case may lead Your Excellency in Council to support our prayer.

For this act of justice and favour we shall ever pray &c.

Nanikal Krukata Rao

नारणी घरसिंह

16th May 1898.

PETITION 4

1874

To REVENUE DEPT

The Secretary to the Government of Madras,

Revenue Department,

Ootacamund.

Sir,

We Namkal Jivanni Boyee and Namkal Venkata Row both most respect-fully beg to resubmit our joint petition dated 16th May 1898, giving cover to our Memorial to His Excellency the Governor General of India in Council, dated 12th May 98, with all its enclosures, duly authenti-cated as pointed out in your Endorsement No 907(Routine) dated 3rd June 98.

2. We humbly beg that our Memorial may kindly be forwarded to the Government of India at an early date.

We beg to remain,

Sir,

10th June 98.

Mysore.

Your most obedient and humble servants

(Jivanni Boyee)

Namkal Venkata Rao

x Per Registered Book post

PETITION 4

To REVENUE DEPT

The Secretary to the Government of Madras,

Revenue Department,

Ootacamund.

MADRAS 25 JUN 98

Sir,

We Namkal Jivanni Boyee and Namkal Venkata Row both most respect-fully beg to resubmit our joint petition dated 16th May 1898, giving cover to our Memorial to His Excellency the Governor General of India in Council, dated 12th May 98, with all its enclosures, duly authenti-cated as pointed out in your Endorsement No: 907(Routine) dated 3rd June 98.

2. We humbly beg that our Memorial may kindly be forwarded to the Government of India at an early date.

We beg to remain,

Sir,

10th June 98.

Mysore.

Your most obedient and humble servants

(Jivanni Boyee)

Namkal Venkata Rao

x Per Registered Book post

5

Read petition from Jivani ~~Baee~~ Bai and Venkata Rao, dated 10th June 1898 (G.No. 4265 of 1898)

G.O. Mis no. 2899 dy 11th July 98.

Ordered that the memorial be forwarded to the Govt. of India and that the memorialists be informed accordingly.

(Intld.) N. E. M.

5/7/98

To the Memorialists.

L.S. Dsee before mine 8.7.98

S.R. 7/7/98

weeded 13/7/98

weeded with memorial cancels. 13/7/98

LETTER No. 2900

To

The Secy. to the Govt. of India,
Dept. of Rev. and Agri.

Sir,

I am directed to forward the accompanying joint memorial from Namakkal Venkata Rao and Jivani Baiadduru to H.E. the Viceroy in Council appealing against the orders of this Govt., declining to reconsider the decision passed in their case in 1871.

2. The circumstances of the case will be found set forth in the correspondence ending with Mr. Westland's Endorsement No. 1594 dated 21st March 1871, Financial Department. The facts are

A.9H

P.

*In G.O. 794 Mis., d/ 16/2/98

G.O. 727, d/22.4.71.

C 7/7/98.

L.S. Dsee before cmie A.S.H. 8.7.98

8.R. 7/7/98.

To the Memorialists.

5

Read petition from Jivani ~~Boys~~ Bai and Venkata Rao, dated 10th June 1898 (C.No. 4265 of 1898).

G.O. mis no. 2899 dy 11th July 98.

Ordered that the memorial be forwarded to the Govt. of India and that the memorialists be informed accordingly.

(Intld.) N. E. M.

5 / 7 / 98

keep in view memorial cases. 8R 7/7/98

LETTER No. 2900

To 13/7/98

The Secy. to the Govt. of India,
Dept. of Rev. and Agri.

Sir,

I am directed to forward the accompanying joint memorial from Namakkal Venkata Rao and Jivani ~~Boyd~~ Baiaddress to H.E. the Viceroy in Council appealing against the orders of this Govt., declining to reconsider the decision passed in their case in 1871.

2. The ~~facts~~ circumstances of the case will be found set forth in the correspondence ending with Mr. Westland's Endorsement No. 1594 dated 21st March 1871, Financial Department. The facts are ~~correctly stated~~

keep in view memorial cases. 7.9.98

P.

*In G.O. 794 Mis., d/ 16/2/98.

G.O. 727. d/22.4.71.

C 7/7/98.

shortly these.

In 1848 the Hon'ble the Court of Directors sanctioned the grant to Namakkal Krishna Rao, Head Sarishtadar of S. Canara, of a pension of Rs. 4500 per annum to be continued for three lives, including that of the grantee, but subject to a deduction of one-third and two-thirds of the original amount for the second and third lives respectively. Krishna Rao died in April 1848, and the Government assuming the validity of the adoption by him of Narasinga Rao, his daughter's son, conferred on Narasinga Rao instead of on Jivu ~~Boye~~ Bai, the daughter of the deceased and mother of Narasinga Rao, a pension of Rs. 3000 per annum, being the original pension reduced by one-third. Narasinga Rao died in February 1854, and the Government ordered the payment to his widow, Jivani ~~Boye~~ Bai, one of the present memorialists, of a pension of Rs. 1500 per annum, being the original pension reduced by two-thirds.

Litigation ensued between Jivani ~~Boye~~ Bai and Jivu ~~Boye~~ Bai, the daughter of Krishna Rao, as to the property left by Krishna Rao. Jivani ~~Boye~~ Bai claimed the property on the ground that it had devolved on her deceased husband, Narasinga Rao, both as the adopted son of Krishna Rao and as legatee under his will. Jivu ~~Boye~~ Bai denied the validity of the adoption. The High Court at Madras finally decided in 1865 that the property had devolved on Narasinga Rao as persona designata under Krishna Rao's will irrespective of the validity or otherwise of the adoption. At the same time the High Court pronounced that all the authorities had declared the adoption of the son of a person with whom the adopter could not have intermarried to be invalid. As Jivani ~~Boye~~ Bai was thus declared to be the possessor of all the property left by Krishna Rao and as, the adoption being invalid, Jivu ~~Boye~~ Bai was thus pronounced to be the nearest surviving relative of Krishna Rao, this Govt. directed that the life pension which had been granted to Jivani ~~Boye~~ Bai should be transferred to Jivu ~~Boye~~ Bai. Jivani ~~Boye~~ Bai appealed against this decision to the Govt. of India. After some correspondence, this Govt. suggested as the best arrangement in the circumstances that one-third of the pension of Rs. 1500 per annum should be paid to Jivani ~~Boye~~ Bai and the remainder to Jivu ~~Boye~~ Bai. This arrangement was accepted by the Govt of India and concurred in by the Secy. of State (vide Despatch from the Rt. Hon'ble the Secy. of State for India (Revenue) to H.E. the Rt. Hon'ble the Governor General of Ind in Council No. 4 dated 31st Jany. 1871, communicated with Mr. Westlan Endorsement quoted bove)

Para 20 of the Despatch of the court of Directors in G.M.C 277. d/ 18.3.1848 — G.

G.M.C. No. 955. d/4.9.48. G

Collrs. letter printed in G.O. 2272/29.8.66 M.

G.M.C. No. 1036. d/1.9.54. —

G.O. 803. d/2.6.70.

G.O. 727. d/22.4.71.

3. It now appears that Jivani Bai Boyo (the memorialist) has adopted Venkata Rao as her son and that in a suit between herself and Jivu Bai Boyo, the Subordinate Court of South Canara has declared the validity of the adoption of Narasinga Rao by Krishna Rao, and also that of Venkata Rao by Jivani Bai Boyo. The memorialists pray that the orders of 1871 under which the pension is divided between Jivu Bai Boyo and Jivani Bai Boyo may be cancelled and that the whole pension be registered in the name of Venkata Rao as the adopted son and next heir-at-law of Narasinga Rao or in that of Jivani Bai Boyo, Venkata Rao's adoptive mother. The main contention now put forth by the memorialists is that the Govt. having been influenced in their former order by the decision of the High Court in 1865 should now revise that order with reference to the latest decision of the Subordinate Court.

vide para 30 of the Sub-court's judgment. H. and post.

The grant in question is one that lies in the legally binding on the Govt. but was made as a matter of grace of the Govt. The arrangement sanctioned in 1871 which the memorialists now seek to set aside in their favour was based mainly on equitable considerations. In these circumstances H.E. the Governor in Council is of opinion that it would be contrary to public policy to disturb the division of the grant

against wh. the memorialists now appeal

By its Order of the 16th Feb 1898 the Govt. informed them that it saw no reason to reconsider the orders passed in 1871.

made so far back as 1871. H.E. in Council has ~~therefore~~ no recommendations to make on behalf of the memorialists.

(Intld.) N. E. M.

5 / 7 / 98.

When given for copying ——
When copied ——
When examined ——
When signed ——
} 189 .

READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

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