O/9 3,000—5-3-98.

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 502

DATED 5th February 99

[Despatch Abstract.]

Referring the Official Assignee, with
to the Supplement to the Fort St George Gazette
of the 31st Jany 99, where the Bill framed
the court of wards Regn V of 1804 is publish

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Con.	3456/99						

O
18 4,000—18-10-98.

Revenue (1899) Department.

CURRENT No. 510

AR 31/1/99

From

J. G. Kernan Esq—
Official Assignee—
High Court House—
Madras.

Order Mis No 502 Dt 30th Jan 1899

No. 65

The Official Assignee will be referred to the Supplement to the Fort St Geo Gaz of the 31st Jany 99. when the Bill to amend the Ct. of Wards Act IV of 1804 is published

S.R. 3/2/99

Dated 19 Jan.
Received 20 Jan. } January 1899
Registered 20 Jan.
Enclosures /
Spare copies.

To
J.G. Kernan Esq
Off. Assignee
Mad. 6-2-99

SUBJECT.

Praying for a copy of the Bill to amend the Court of Wards Regulation V of 1804 and requesting information regarding that Bill and certain proposals for the discharge of the debts of the Zamindar of Karuet-nagar.

Rep 31/III/99

BACK PAPERS.

G.O.	No.	Department.	Date.
to 1107		a/ 23-11-98	
conf. pp. about Karvetnagar Zemin.			

FURTHER PAPERS.

G.O.	No.	Department.	Date.

In the District of North Arcot

Original Suit No. 38 of 1893

Appli No. 73 of 1898

No. 65

Official Assignee's Office,
High Court House,
Madras, 19th January 1899.

From

John George Kernan Esqre
Official Assignee
Madras

To

The Secretary to Government
Revenue Department
Madras

Sir,

I have the honor to request that in the circumstances hereinafter stated you will be good enough to furnish me with a Copy of the bill to amend the Court of Wards Regulation V of 1804 now before Government and also that I may be informed how the proposed amendments if passed into law will give relief to the Rajah of Karvatinuggar as stated in the affidavit of the Collector of North Arcot, a Copy of which is herewith enclosed?

I am.

In O.S. No. 7 of 1894 in the District Court of North Arcot one T.V. Seenivassa Runga Row, as representing an undivided Hindu family Consisting of himself and his three brothers T.V. Kistnasawmy Row, T.V. Rama Row and T.V. Runga Nanaar Row obtained a decree on a mortgage against the Zemindar of Karvatinuggar for Rs 100000/ with interest. This decree was passed on the 29th August 1895. At the date of the decree the above named T.V. Kistnasawmy Row had become an insolvent by filing his petition and schedule in the Insolvent Court Madras and all his property of every description had become vested in me as Official Assignee.

In September 1896 the plaintiff Seenivassa Runga Row applied for execution of the decree in the above Suit by sale of the mortgaged property, and the Court fixed the 19th October 1896 for sale of the said property - the date of sale was however adjourned to the 22nd February 1897 at the instance of some Creditors of the decree holders. Previous

to

To this last mentioned date the sale was on the 17th January 1897 adjourned for six months at the instance of the Collector of North Arcot and at the instance of the same Officer the sale was further adjourned on the 10th August 1897 and on the 19th October 1897 for two months and until the passing of the amending act respectively.

In 1897 I as Official Assignee of T.V. Kistnaswamy Row filed C.S. No 116 of 1897 in the High Court for partition of the family property in order to realize the Insolvents share therein - and in this suit I have been appointed as Receiver of the interest of the Insolvent and his brothers under the decree against the Zemindar of Ravuttanuggar in the above suit No 7 of 1894.

As such Official Assignee and Receiver in August 1898, I filed an application for execution of the last mentioned decree in the District Court of North Arcot by sale of the mortgaged property and this was disposed of by the District Judge with some similar applications on the 1st December last.

The Judge again stayed execution proceedings

for

for six months on the ground that the affidavit of the Collector showed every probability of the bill being introduced.

The Collector's Affidavit does not give the text of the proposed amendment of the Regulation V of 1804 nor does it indicate in what manner it is proposed to discharge the Zemindar's debts. As representing Creditors of the Zemindar to the extent of Rs 111,751 — I am much prejudiced by delay occasioned by which the Creditor's rights have been suspended through the action of the Collector and I have to consider the advisability of appealing to the High Court against the order of the District Court. It will be of great assistance to me if You will be good enough to favour me at an early date with the information above requested as to the text of the bill and intentions of Government with regard to the Zemindar's debts so that I may be enabled to judge whether there

is

is a reasonable prospect of the latter being discharged
without the intervention of the Courts.

I have the honor to be

Sir

Your most obedient Servant

John G Kinnear

Official Assignee

From

The Official Assignee

High Court Madras

To

The Secretary to Government

Revenue Department

Madras.

Dated 19th January 1899

Despatched 20th January 1899

Received

Subject

Requesting information regarding a Bill to amend the Court of Wards Regulation V of 1804 and certain proposals for discharge of the Carvatiengar Zemindar's debts.

In the District of North Arcot.

Original Suit No. 38 of 1893

Appli No. 73 of 1898

Kulpankum Narasimha Charlu. Plaintiff

Raji Bommaraju Bahadoor Varoo
Rajah of Karvatiengar } Defendant.

I J.K Batten Esqr the Collector of North Arcot District do hereby declare and say as follows.

That I was requested by the Rajah of Karvati-engar to inform him as to when the Bill proposed by the Madras Government to amend the Regulation V of 1804, will be passed into law so that the same may be represented to the District Court to obtain the necessary order for stopping all the pending sales and executions till the passing of the Act.

That I wrote to the Revenue Secretary to the Madras Government to furnish me with the necessary information on the point, that in his reply dated 18th November 1898, he informs me that the bill will be introduced into the Legislative Council as soon as the Secretary of State's sanction is received and that the

the legislation will in all probability be effected in about three months or four at most.

That a draft bill was also sent to me and the amendments proposed if passed into law will give relief to the Rajah of Ravatamugyr

That I believe that if all the sales connected with the Bemmidari be stayed for six months the legislation will be effected and the necessity of Court Sales may be avoided.

(Signed) J. R. Batten
Actg Collector N. Arcot

Solemnly affirmed before me this day the 21st November 1898.

(Signed) C. Raghunatha Row
Stationary 1st Class Magistrate
Chittoor.

(True Copy) (Signed) J. Richardson
for Superintendent

The Seal of the Stationary Sub-Magistrate

J/K
Act

D 1 200—14-8-93.

REVENUE DEPARTMENT.

Cur No. 510

From J. G. Kernan Esq.
Off. Assignee, Madras.
Dated 19th Jany 1899.

FOR ORDERS.

In O.S. No 7 of 1894 on the file of the Dt. Court of North Arcot, one T. V. Sreenivasa Ranga Rao, as representing an undivided Hindu family consisting of himself and his three brothers, obtained a decree on a mortgage against the Zamindar of Karvetnaggar for Rs 100,000 with interest. Before the date of the decree, 29th Aug. 95, one of the brothers had become insolvent, and all his property became vested in the Official Assignee. As such, Mr Kernan applied to the High Court in 1897 for a partition of the family property, in order to realize the insolvents share therein, including [illegible]

1899
REVENUE DEPT.
Book No. 1
Cur. No. 510

debt, and was appointed
Receiver of the interest of the insolvent & his brothers under the decree against the Zamindar of Karvetnagar's share. Mr Kernan thereupon applied to the Dist. Court of N. Arcot in August last for execution of the decree of the High Court, by sale of the mortgaged property, but on the 15th December last the Judge of that Court stayed execution proceedings for 6 months as he ordered in several other cases, on the representation of the Collr. that the proposed amendment of the Court of Wards Regulation would, if passed, afford relief to the Zamindar of Karvetnagar. Mr. Kernan says that as representing creditors of the Zamindar to the extent of Rs 111751, he is much prejudiced by the delay occasioned by the Collector, and therefore request that in order to enable him to consider the advisability of applying to the High Court to set aside the order of the Dist Court,

Aug. 98

copy of Affidavit forwarded by Mr Kernan.

G.O. 67 & 24 Jany 99

court, he may be furnished with information as to the text of the Bill and the intention of the Govt in the matter of relieving the Zamindar. He adds that the Collr's affidavit did not quote the text of the Bill nor did it explain how the Bill if passed would effect a discharge of the Zamindar's debts without the intervention of the Civil Courts.

2. The Bill to amend the Court of Wards Regulation is intended to preserve the encumbered ancient Zamindaries from total ruin. It proposes to empower the Court of Wards, with the sanction of Govt, to take under its management estates of such embarrassed proprietors & the local Govt, with the previous sanction of the Govt of India, to transfer to the Collector the execution of decrees ordering the sale of immoveable property of such wards or in execution of which a Civil Court has ordered the sale of such immoveable property. Section 38 of the draft Bill provides that the provisions of sections 321, 322A, 322B, 322C, 322D, 323, 324, 324A, 325, 325A & 325C of the Civil Pro. code shall as far as practicable be applicable to the execution of decrees transferred to the Collector. As the Bill has been transferred to has

has been published in Cadars Gazette, Mr Kernan may it is submitted to supplied with a copy.

MM
1-2-88

Wrote to Mr Kernan referring him to the Fort Rec'd 1/2 MM 3/2

FOR ORDERS.

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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