

Dekkhan and Khandesh (Puna, Ahmednagar and Khandesh Districts)

MAHARASHTRA

India

Dekkhan and Khandesh (Puna, Ahmednagar and Khandesh Districts)

Act 29 of 1827

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Dekkhan and Khandesh (Puna, Ahmednagar and Khandesh Districts) Bombay Regulation 29 of 1827 [Dated 1st August, 1827] As to the application of Bombay Reg. 29 of 1827 to the Southern Maratha Country (Dharwar District), see Bombay Regulation 7 of 1830 as amended by Act 16 of 1895. As to its application to certain other territory, see Bombay 3 of 1863, Section 4. and Bombay 14 of 1866, section, 3 Cf. Section 4 of the Code of Civil Procedure, 1908 (5 of 1908).

1.

A Regulation for bringing under the operation of the Regulations the Bombay territories in the Dekkhan and Khandesh. Preamble : Whereas, subsequently to the conquest by the Company of the territories of the late Peshwa, in the Dekkhan and Khandesh, and the acquisition from other States by treaties and agreements of other territories within the said countries, the governments of all the said territories have, with the view of avoiding the abrupt introduction of extensive change, been conducted under the orders of the Governor in Council constituting a system which was calculated gradually to prepare the way for the introduction of the general rules of the [***] [The word 'British' was omitted by the Adaptation of Laws Order, 1950.] administration; And Whereas, the Regulations for the administration of the Bombay territories have in the meantime been revised, and it has now been judged expedient to bring the territories in the Dekkhan and Khandesh under the revised Regulations, being the first [twenty-six (26) Regulations of 1827.,] [Most of these Regulations have been repealed see Chronological Tables of the Indian Statutes. The unrepealed portions of the others are printed on the preceding pages.] with certain modifications; the following rules have been enacted [* * *] [The words and figures 'to have effect from 1st September, 1827' were repealed by the Repealing Act, 1876 (12 of 1876).]

2. First Regulations made applicable to Dekkhan and Khandesh.

- The first [twenty-six (26) Regulations of 1827.,] [Most of these Regulations have been repealed see Chronological Tables of the Indian Statutes. The unrepealed portions of the others are printed on the preceding pages.] [* * *] [The words 'with the exception of Regulation XVIII and of any enactments relating to stamps' were repealed by the Repealing and Amending Act, 1894 (4 of 1894).] shall, from the 1st September, 1827, be of force and effect, except as specifically enacted to the contrary, throughout the Bombay territories in the Dekkhan and Khandesh, consisting of the zilas of Puna and Ahmednagar, as described in Appendix A to this Regulation [* * *] [The words and figures 'and the said territories are hereby further brought under the operation of the Regulations according as they may apply, to be passed from and after the 1st September, 1827. for the government of the territories subordinate to the Presidency of Bombay' were repealed by the Repealing Act, 1876 (12 of 1876).]

3. Persons excluded from jurisdiction of Courts [Fees] Rep. Act XII of 1876.

- With reference to the said zilas, [* * *] [The words and figures 'it is hereby enacted I hat. in modification of the rules contained in Regulation II-A D. 1827, sections XXi and XXXVII, clause first' were repealed by Act 12 of 1876.] suits against certain persons of rank, as hereinafter specified shall not come under the jurisdiction of the Civil Courts. List to be furnished to Judge Second. - A [list of the said persons of rank will be furnished by] [As to appeals from decisions passed by jagirdars included in this list, see Bombay Reg. 13 of 1830, Section 3. As to Courts having power to take cognizance of and suits in which persons included in this list are concerned as defendants, see Bombay Reg. 1 of 1831, and Born. Reg. 16 of 1831.] [the [State] [The words 'the Provincial Government' were substituted for the word 'Government' by the Adaptation of Indian Laws Order in Council.] Government] to the Judge, who will, on application, communicate the same to any person who, as plaintiff or defendant, may show that his interest requires his being supplied with that information. Agent to be appointed for trial of suits against them.

4. List and instructions to be furnished to him.

- An [Agent of] [As to transfer of -wits to the Assistant Agent, see Act 19 of 1835.] [the [State] [The words 'the Provincial Government' were substituted for the word 'Government' by the Adaptation of Indian Laws Order in Council.] Government] shall be specially appointed for the purpose of receiving and trying and deciding all complaints of a civil nature which would, under the ordinary rules, be cognizable by either of the Judges of Pune and Ahmednagar against any of the persons [Contemplated in the preceding section;] [As to land-suits in which such persons are concerned as defendants, see Bombay Reg. 1 of 1831, and Bombay Reg. 16 of 1831, Section 2.] he shall be furnished with a list of the [said persons of rank,] [Cf. Section 4 of the Code of Civil Procedure, 1908 (Act 5 of 1908).] and with instructions descriptive of the respective rules of procedure to be followed in the case of each such person, and he shall communicate to any individual making application so much of the above-mentioned information as' such individual may show to be important to his own interest. List and instructions what to compromise and provide Second. - The list above-mentioned shall comprise three (3) classes of persons of rank; and the instructions above-mentioned shall

provide three (3) several modes of procedure, applicable respectively to each class of the said persons of rank

5. Conduct of suits against first class persons.

- Suits against the persons belonging to the first of the classes comprised in the Agent's list, being individuals of the very first distinction and influence under the Peshwa's Government on account of their birth, their political importance, or the religious estimation in which they were held, shall be conducted and decided by the Agent, reference being had in the most ample degree to the privileges of the defendant by former usage and custom enjoyed, and to other peculiar characteristics of the case conformable to like usage and custom; Decrees not to be executed without reference to [State] [The words 'Provincial Government' were substituted for the words 'Governor in Council' by the Adaptation of Indian Laws Order in Council.] Government Appeal and no decree against any such defendant shall be enforced until the suit and all proceedings thereon shall have been referred to the [[State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government] to [which] [The word 'which' was substituted for the words 'whom' and 'who', by the Adaptation of Indian Laws Order in Council.] also the plaintiff may appeal], [which] [The word 'which' was substituted for the words 'whom' and 'who', by the Adaptation of Indian Laws Order in Council.], as a special superior Court for the adjustment of such suits, will pass such order thereon as [it] [The word 'it' was substituted for the word 'he' by the Adaptation of Indian Laws Order in Council.] may deem just and equitable, an appeal to the [Supreme Court] [These words were substituted for the words 'King in Council' by the Adaptation of Laws Order, 1950.] being open to either party.

Conduct of suit against second class persons

Second. - Suits against the persons belonging to the second of the classes comprised in the Agent's list, being individuals not equal in consideration to those above adverted to, but of high rank and importance under the Peshwa's Government, shall be conducted and tried by the Agents, reference being had in a great degree and in conformity to former usage and custom, to the rank of the defendant, his situation and privileges, under the Peshwa's Government, as affecting his creditor's means of compelling payment during that period, his present means of discharging the debt, and other points material to the real equity of the plaintiffs claim and the defendant's liability.

Appeal to [state] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order. 1950.] Government

At appeal against the Agent's decision to the superior Court of the [[State] [The words 'Provincial Government' were substituted for the words 'Governor in Council' by the Adaptation of Indian Laws Order in Council.] Government], as above constituted, shall be open to either party :

Limitation

The petition of appeal shall be presented either to the Agent or [to the [State] [The words 'to the Provincial Government' were substituted for the words 'to Government' by the Adaptation of Indian Laws Order in Council.] Government] within ninety (90) days (which period may be extended for good reasons) after the Agent's decision was passed; the rules for trial and decision of such appeal shall be the same as those prescribed for the original trial of the suit and a final appeal to the [Supreme Court] [These words were substituted for the words 'King in Council' by the Adaptation of Laws Order, 1950.] shall be open to either party.

Conduct of suits against third class persons

Third. - Suits against the persons belonging to the third of the classes comprised in the Agent's list, being individuals, inferior in rank to those of the classes previously described, but still equitably entitled, on account of the privileges hitherto enjoyed by them, to a certain special degree of consideration shall be conducted and tried

by the Agent, in like conformity to usage and custom, with some relaxation of the rules of the general Regulations and some portion of attention to the points above specified for regulating his decisions in suits against individuals of the two superior classes. Appeal to Sadr Adalat An appeal to the Sadr Diwani Adalat against the Agent's decision shall be open to either party; Limitation The petition of appeal shall be presented, either to the Agent or to the Sadr Diwani Adalat, within ninety (90) days (which period may be extended for good reasons) after the Agent's decision was passed : the rules for trial and decision of such appeal shall be the same as those prescribed for the original trial of the suit; with which view the instructions of the Agent, with regard to the defendant, shall be communicated [by the [State] [The words 'by the Provincial Government' were substituted for the words 'by Government' by the Adaptation of Indian Laws Order in Council.] Government] to the Sadr Diwani Adalat; and a final appeal to the [Supreme Court] [These words were substituted for the words 'King in Council' by the Adaptation of Laws Order, 1950.] shall be open to either party [* *] [The words 'under the rules contained in the General Regulations with reference to such appeals from the decrees of the Sadr Diwani Adalat' were repealed by the Repealing Act. 1876 (12 of 1876).]

6. [Exclusion of application to certain territories now in Gujarat. [Section 6 was inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.]

- Nothing in this Regulation shall as from the 1st day of May, 1960 apply in relation to territories described in Appendix A which are by section 3 of the Bombay Re-organisation Act, 1960, comprised in State of Gujarat,]

7. [Pleaders, jurisdiction, appeals, execution of decrees.] Rep. Act XIV of 1869.

[Appendix A](See section 2, clause 1st) Territorial description of the Zilas in the Dekkhan and Khandesh, established under the Presidency of Bombay: formed of conquests from the Peshwa (Proclamation of occupation, 11th February, 1818), and cessions from Holkar (treaty 6th January, 1818), Sindia (treaty 6th February, 1820) and the Nizam (treaty 12th December, 1822). Zila of Puna The two (2) tarafs Haveli-Puna and Karyat-Maval. The fifteen (15) the following villages of the taraf Keru Bara, namely

1. Sivra

2. Kondhanpur

3. Kalyan

4. Rahtavda

5. Ombra

6. Arvi

7. Divra

8. Kamsa

9. Khetkavla

10. Kumbosi

11. Gavardari

12. Gogalvad

13. Kaumthadi

14. Khed Sivapur

15. Kelvad

The three (3) following villages of the taraf Musa Khora. namely

1. Jamli

2. Sonapur

3. Sangrun

The three (3) following villages of the taraf Muta Khora, namely

1. Ambegaon

2. Bhavli

3. Ambi

The two (2) following villages of the taraf Kanad Khora, namely

1. Vinjer

2. Antroli

[The village of Aпти, taraf Hardus, Maval.]

So much of Bombay Reg. 29 of 1827 as related to the villages of Jalihal, Tingni Bidri, Hongalhalli. Karjol, Upadinni. Allassundeh and Boblad was repealed by Act 6 of 1842. So much of this Appendix as declared the villages contained in the Schedule to Act 11 of 1846 and the lands attached thereto (being parts of the parganas of Nandurbar, Sultanpur and Kukarmunda. in the province of Khandesh), subject to the Regulations established for the administration of civil and criminal justice in the Province of Bombay, was repealed by the Act. So much of this Regulation as related to the following villages in the Pune District, oiz. 1. The Punt Suche's village of Aпти, Taraf Hardus-Maval. 2, 3, 4. The Punt Suche's villages of Water, Bhambourdy and Gunund in that part of the Tarafs of Nir Thadi and Sirval which lie north of the Nira river, was repealed by Act 4 of 1868. The eighteen (18) tarafs Sanclus, Patas, Panbal, Mahlunga, Ausiri, Khed. Chakan, Ghoda, Vada. Ambegaon, Junna. Votur, Ala, Bela, Markhoda, Kokatner, Minner and Narayangaon. The ten (10) following villages of the taraf Kudde, namely

1. Ambi

2. Khambori

3. Baradi

4. Lavki

5. Nandur Kandumal

6. Bhaugri

7. Aldara

8. Lingdi

9. Ghasgaon

10. Pimpalgaon Jog

The three (3) tarafs Andar Maval, Nani Maval and Paud Khora. The thirty-two (32) following villages of the taraf Paun Maval, namely:-

- 1. Karunj**
- 2. Ambegaon**
- 3. Pusani**
- 4. Chandkhed**
- 5. Kila**
- 6. Shevti**
- 7. Sindgaon**
- 8. Pavla**
- 9. Kurda**
- 10. Siravlr**
- 11. Ghivandi Alvan**
- 12. Apti**
- 13. Kauler Khadak**
- 14. Malavli**
- 15. Shivli**
- 16. Aridiv**
- 17. Shivner**
- 18. Bauver**
- 19. Thugaon**

20. Pardavdi

21. Mahagaon

22. Kusgaon

23. Yelsi

24. Bebarvohol

25. Riha

26. Pauchana

27. Bersi

28. Badavli

29. Arra

30. Ursi

31. Gotavra

32. Adala Khurd.

The three (3) tarafs Kari Pathar, Sasvad and Supa.[So much of the two (2) tarafs Nir Thadi and Sirval as lies north of the Nira river.] [As to three of the villages in these tarafs, see the first footnote on p. 455. supra.]The six (6) tarafs Indapur Baramati Mohol, Under tappa to the west of the Sina river Bhusa and Teinburni.The four (4) following villages of the taraf Karkam, namely :-

1. Gursalr

2. Badalkot

3. Karola

4. Ujini

The two (2) following villages of the taraf Kathi, namely ::

1. Sorsti

2. Shankargaon.

The three (3) tarafs Sholapur, Ahirvadi and Mandrup. The five (5) following villages denominated the Sammot Phutgaon, namely

1. Andal

2. Muranchi

3. Nerkhed

4. Darphal

5. Mangrul

The seven (7) tarafs Indi, Tamba, Hippargi, Julvad-Kokatnur, Almel, Bardul and Ukli. The three (3) following villages of the taraf Haveli Bijapur, namely

1. Ukmanhal

2. Kaulga

3. Ahleabad

The four (4) following villages of the taraf Horti. namely

1. Ranjanhal

2. Minchanhal

3. Tilihal

4. Kyatilkir

The qasba of Sindgi. The six (6) following villages of the taraf Honvad, namely

1. Jalihal

2. Ramtirat

3. Yetinhal

4. Aarahalli

5. Kaltavteghi

6. Ghonasghi

The seven (7) following villages of the taraf Anti, namely

1. Aralhatti

2. Abihal

3. Tangarri

4. Mangsula

5. Balgheri

6. Sambarga

7. Bemanhl

The two (2) following villages of taraf Halsanghi, namely

1. Bhatgunk

2. Gotihal

The six (6) following villages, namely

1. Avakor

2. Hina Parsalghi

3. Surpal

4. Tingni Biclri¹

5. Hongalhal^W

6. Karjo^V

The two (2) tarafs Talikoti and Nalatvad. The qasba of Bagevadi and the two (2) villages of Masbinal and Yerval. The four (4) following villages in the taraf Muhammadpur, namely

1. Jaynapur

2. Budeni

3. Ifpaldinni'

4. Gurodhal

The village of Bhaganagar, taraf Sednak. The seven (7) following villages of the taraf Chimalghi, namely

1. Disalkop

2. Mijarkop

3. Murkatihal 4i Golsinghi

5. Gharri

6. Liklevadi

7. Maundghi

Zila Of Ahmednagar (Ahmednagar Collectorship) Barsi Panch Mahals. The Peshwa's share of the pargana Doka. The village of Vaghola in the Dharur pargana. So much of the pargana Haveli-Parinda as lies west of the Sina river and the village of Sanori to the east of the said river. The two (2) parganas of Jamkhed and Vanghi. The Peshwa's share of Prant Karrevarit and that part of the Nizam's share which lies west of the Sina river. The Peshwa's share of the Ashti pargana and the taraf

Manur. The two (2) tarafs Naga Haveli and Ranjangaon. The Pargana Partner. The nine (9) following villages in taraf Belha. namely

1. Davalgaon

2. Orngaon

3. Karnjavan

4. Babra

5. Kolgaon

6. Sidori

7. Ukargaon

8. Isapur

9. Andalgaon

The two (2) parganas of Kharda and Nevasa, except the village The two (2) tarafs Ganji-Bhoyra and Vavrad. The pargana Bargaon Nandur. The Peshwa's share of the two (2) parganas Bijapur and Gandapur, together with the village of Takli. The pargana Sangamner, together with the three (3) qasbas of Rahata, Puntambo and Whava. The thirteen (13) parganas, Dhandarphal, Kotul, Akola, Sinnar, Kumbhari, Patoda. Nasik, Trimbak. Vaghera, Vani, Dindori, Shevgaon and Chandor. (Khandesh Collectorship) The thirteen (13) parganas Laling, Songir, Ner, Amalner, Betavad, Dhangri, Garondol, Jalod, Chandshahar, Bhadgaon. Bhal, Utran and Masva. The pargana Pachora which belongs to Sindia, but is governed by the British. The taraf Lohara-I-Iaveli which belongs to Sindia, but is governed by the British. The taraf Sangvi. in the Lohara pargana. The five (5) parganas Shendurnit, Chalisgaon, Rajdesh, Mahombarai and Manikpuri. The eighteen (18) following villages of the Kana Pargana, namely :-

1. Roller

2. Rohilla

3. Porkri

4. Malligaon

5. Champaner

6. Hingna

7. Naydongri

8. Sahkegaon

9. Kadra

10. Kanedi

11. Jalgaon

12. Jamdi

13. Tunvana

14. Palasgaon

15. Malpur

16. Vetapur

17. Makrandarpur

18. Narsinhapur The two (2) qasbas of Ranjangaon and Jategaon.

The twenty-four (24) parganas Galna, Chikhalvohol, Tokra, Jhodga, Lohoner, Vakhari, Sandas, Jayteypur, Pissol, Tilvad, Korali, Otur, Pala, Hatgad, Kanasi, Pimpja, Pimpalner, Dhaiva, Varsa, Bhamen. Navapur, 'Nandurbar, Sultan pur and Kukarmunda. The three (3) qasbas of Pankera, Umarpatta and Chaupala. The principality of Akrani. The pargana of Chopda which belongs to Sindia, but is governed by the British. The two (2) parganas of Thalner and Amba. The qasba of Sindva. The pargana of Yaval which belongs to Sindia, but is governed by the British. The two (2) parganas of Adavad and Savda. The village of Changdev. The pargana of Raver, including the taraf of Pal. The four (4) parganas of Nasirabad, Jamner, Bodvad and Bornar.