File No. 642-F

Collection No. (1)

1927

Government of India
Foreign and Political Department,
Frontier Branch.

~~Pros.~~ Serial Nos. 1-4.

DOWN GRADED
Vide M/E/A. Dy. No.....dt.....

Subject.

Disposal of the late Sardar Fateh Muhammad Khan.

Previous References.

File 279-F/24.

Later References.

Ministry of External Affairs
(P.O.R. Unit)

NATIONAL ARCHIVES OF INDIA

S. 97 (Buff).
MGIPC—FP—189DCF—S&P—(G-664)—1-8-27—1,10,000.

File No. 642-F. of 1927.

Section. File No.

Heading. Serial No.

NOTES.

F. & P. DEPT.
Frontier BRANCH.

Pros. 19 . Nos.

Subject.

Disposal of the property of the late Sardar Fateh Muhammad Khan.

Notes and Orders.

NATIONAL ARCHIVES OF INDIA

MGIPC—FP—352DCF—S&P—(G-1099)—3-1-27—3,00,000.

P.V.C

D. No: 2375-F (1)

Memo: from H.B.M's Min: Tehran, No: 136, Dated 30th July

Rec'd: 17th Sept: '27.

We have no information regarding the disposal of the late Sardar Fateh Mohd: Khan's property. As to the 2 rifles, Sardar Abdul Hussain, the then Afghan Consul Gen: addressed us in 1924 on the subject stating that Mohd: Kasim Khan, the Sardar's grandson who had recently come from Kabul to make arrangements regarding the property, wished to take the rifles along with him to Kabul. Later on, the A.C.G. informed us that Mohd: Kasim had returned to Kabul & had requested him to take delivery of and despatch the rifles to Kabul. We accordingly issued the necessary licence, but have no information as to whether the arms have actually been taken to Kabul or are still at Lahore.

2. We may send a copy of the proc. & enclo: to the Punjab & ask for a report on the case. Draft submitted.

8.9.27.

8.9.27

9/9/27

(2)

Memo: to the Punjab Govt: No: 642-F, dt 12.9.27.

S.No: (1) in F.No: 279-F/24 Sh. D.

S.No: (6) - ibid -

S.No (10) - " -

S.No: (5) - " -

NATIONAL ARCHIVES OF INDIA

No reply has been rec: from the Punjab Govt: to our memo of the 12th Sept: '27. We may remind.

Draft submitted.

× Sno: (2)

× withheld from Issue as reply was rec'd.

4

17.2.28

17.2.28

17/2/28

D. No: 615-F.

P.U.C.

Memo: from the Punjab Govt: No 5748 - Pol/Gen: of 17th r/. 18th Feb: 1928.

A copy of P.U.C. & encls: may be sent to Hon's Min: Tehran. Draft submitted.

28.2.28.

29.2.28.

Draft as revised to issue.

5-3-28.

NATIONAL ARCHIVES OF INDIA

No. 136

(1)

D.No. 2378-F/27

British Legation,

Tehran,

July 30th 1927

His Britannic Majesty's Representative presents his compliments to the Foreign Secretary to the Government of India ~~in the Foreign and Political Department~~ and has the honour to transmit herewith for favour of observations copies of the documents mentioned in the sub-joined Schedule, on the subject of:— the inheritance of the heirs of the late Sardar Fath Mohammad Khan Mohammad Zayi.

Reference :—

Petition dated 24th July 1927 from one Abdul Aziz.

FOR & P...
Rec'd ... AUG. 1927
File No ...
Serial No ...
Diary ...

NATIONAL ARCHIVES OF INDIA

Translation of a private note from Sardar Abdul Aziz Khan, the Afghan Minister addressed to Sir Robert Clive. Dated Assad 1st, 1306 (July 24th 1927).

Dear Sir,

After compliments.

With regard to the question of the inheritance of the heirs of the late Sardar Fath Mohammad Khan Mohammad Zayi, the Afghan who recently submitted a petition to this Legation, I beg to state that I have given the details of the case to Abbas Kuli Khan Nawab both in writing and verbally with the request that he may acquaint Your Excellency with the matter.

I shall be grateful if Your Excellency will be so good as to give the matter your favourable consideration in order to enable the heirs of the deceased who are my near relatives to regain their legal rights.

I avail etc.

Signed) Abdul Aziz.

NATIONAL ARCHIVES OF INDIA

F. No: 212-F/24
Slip E

Sardar

His Excellency Fath Mohammad Khan, the father and grandfather of the heirs whose names are given hereafter has died in Lahore on October 24th 1924. The late Sardar had, during his lifetime, drawn up his will in the presence of a number of notable persons of Lahore such as His Excellency Sardar Abdul Qader Khan Effendi, the son of the late Sardar Vāla Mohammed Ayoub Khan, Mir Abdul Qadir Khan and His Excellency Mufti Mohammad Azim Khan who was the agent of the Lahore refugees. Those who were present at the time of making the will had all signed the same. Two copies of the will in question were duly signed. A copy was given to Mufti Mohammed Azim Khan, the agent residing at Mazang (?) of Lahore and the other to the heirs of the late Sardar Fath Mohammed Khan.

It has been stipulated in the will that the house No. 11 consisting of a 'Saracheh', a garden etcetera situated at "Choborji Multan Road Lahore together with its dependencies should, after the death of the maker of the will, be sold and the proceeds be equally divided among the following 8 people who are the heirs of the man. Besides the house in question two rifles were also mentioned of which one is a double-barrelled sporting gun and the other a 5 shot gun. The heirs are as follows:-

The mother of Mohammad Ghassem (Kasim?) Khan, daughter of the late Sardar Fath Mohammed Khan.

Mohammad Ghassem (Kasim?) Khan, grandson of the late Sardar Fath Mohammad Khan.

Abdul Karim do. do.

The wife of Abdul Hussein Khan do. do.

The mother of Rahmatullah Khan the daughter of the late Sardar.

Rahmatullah Khan, the grandson of the late Sardar,

The sister of Mohammad Ghassem (Kasim?) Khan grandaughter of the late Sardar.

The wife of Ghulam Mohyeddin Khan, the do. do.

After the death of the Sardar, the wife of Sardar

NATIONAL ARCHIVES OF INDIA

(8)

Sardar Mohammad Ishak Eshagh Khan Mohammed Zayi who was the daughter of his Late Majesty Amir Shir Ali Khan and is now residing at Quetta of Baluchistan, being a sister of the widow of the late Sardar who had died some 28 days before the death of the late Sardar, put forth a claim against the heirs of the late Sardar in respect of the afore-mentioned house, while after examination of the registers it was found that the plot of ground on which the house in question is constructed has duly been registered at the Lahore courts in the name of the widow of the late Sardar Fath Mohammad Khan. The case was therefore taken up and discussed at the Justice and other courts in that place for about three years. Since at that time the 8 heirs of the late Sardar were all women and children they were not able to proceed to Lahore to put forth their claims. The matter was therefore delayed. At the end, the courts of Justice of the British Government settled the case over one month ago and it was arranged that after the sale of the disputed house the proceeds of the sale should be paid to the wife of Sardar Mohammad Ishak Eshagh Khan and the 8 heirs of the late Sardar i.e. half the price should be paid to the former and half to the latter 8 heirs. It is now understood that the house in question has been sold for a total sum of Rupees 15,000 of which the wife of Sardar Mohammed Ishak Eshagh Khan has already received her share. As regards the shares of the heirs ~~to get~~ together with the two above mentioned rifles, which had been the private property of the late Sardar and which have no connection with the house, nothing has yet been paid and ~~that~~ the heirs have not yet obtained their shares.

In view

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(9)

In view of the fact that some seven persons of the heirs are women and children and cannot proceed from Afghanistan to Lahore and that one Mohammad Kazim Ghassem Khan, the first Secretary to the Afghan Legation in Tehran, is unable to leave his official duties and proceed to Lahore, all the heirs have submitted a petition to this Legation asking for the payment of their shares and have requested me to ask the honourable British Legation to be so good as to cause their shares of the price of the house as well as the rifles in question to be handed to them.

The cost of transport of the rifles as well as other expenses incurred will, no doubt, be paid out of the money in question.

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Faired Draft. Issue. 10-9-27.

(2) (10)

From - The Deputy Secretary to the Government of India in the Foreign and Political Department,

To - The Chief Secretary to the Government of the Punjab.

Memorandum No. 642-F.

Dated Simla, the 12th September 1927.

Disposal of the property of the late Sardar Fateh Muhammad Khan.

Reference correspondence ending with the memorandum from the Government of India in the Foreign and Political Department, No.D.390-F., dated the 4th February 1925.

2. A copy of a memorandum from His Britannic Majesty's Minister, Tehran, No.136, dated the 30th July 1927 and enclosure is enclosed. The Government of India would be glad to be informed at an early date of the facts of the case for communication to His Britannic Majesty's Minister.

Sd. J.G. Acheson,

Deputy Secretary to the Government of India.

Attested.

Sd. R.S. Budd,

Superintendent,

Foreign and Political Department.

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(31

11

F
18/2

From .

H.W.Emerson, Esquire, C.I.E.,C.B.E.,I.C.S.,
Chief Secretary to Government,
Punjab.

To

The Foreign Secretary to the Government of India,
New Delhi.

Memorandum No. 5748- Pol/Genl.

Dated Lahore, the 17th February 1928.

Subject:-Disposal of the property of the late Sardar Fateh Mohammad Khan.

Serial (2)

. Reference Mr. Acheson's memorandum No.642-F, dated 12th September, on the subject noted above.

2. A copy of a letter No. 15-Political, dated the 6th February 1928, from the Deputy Commissioner, Lahore, together with copies of its enclosures, is forwarded herewith.

Sd/ H.W.Emerson.
Chief Secretary to Government,
Punjab.

. Attested,

A.H.Keating
Superintendent Political,
Punjab Civil Secretariat.

17/2

R.L.S.
16/2

FOR & POL DEPTT.
Recd
File No.
Serial No.
Diary No.

642-F/27
615-F/28

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(12)

From

The Deputy Commissioner, Lahore.
I/C of the Ayub Khan Political Agency.

To

The Chief Secretary to
Government, Punjab, Lahore.

No. 15-Political. Dated the 6th February 1928.

Disposal of the property of the late Sardar Fateh Mohammad Khan.

Sir,

With reference to your endorsement No. 25177-Pol/Genl., dated 8th October 1927 and subsequent reminders, forwarding copy of Government of India Memo:No. 642-F, dated the 12th September 1927, regarding the disposal of the property left by the late S. Fateh Mohammad Khan', I have the honour to say that the Sardar executed a Will on 13th September 1924 (copy with copy of its transliteration attached herewith-Appendix A), gifting his property in Afghanistan to his brother Sardar Nazar Mohammad Khan and his property in India in favour of his daughters and grand children. This Will was executed after the death of his wife Bibi Maimuna (died on 6th September 1924). According to the terms of the Will the Sardar himself sold some of his movables and utilized the proceeds in clearing off his debts and meeting his other necessities. On or about 29th September 1924 Mohammad Qasim Khan, petitioner and grandson of the late Sardar, arrived here from Kabul. The Sardar handed him over the original document with the possession of his movables and the house owned by him, in which he lived. On 3rd October 1924 the Sardar died and his funeral arrangements were carried

on

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on by Mohammad Qasim. On 5th October 1924, Sardar Abdul Hussain Khan son of Abdul Aziz Khan, the supporter of the applicant, also joined him, at the time S.Abdul Hussain Khan was Afghan Consul General, at Delhi. He is husband of one of the testatees. They jointly sold a large portion of movables through some local auctioneers and carried away the proceeds with the remaining movables to Kabul. They left the house in charge of one Hira Nand, Coal Merchant and deposited the arms and ammunition left by the deceased Sardar, in this Agency Office (vide receipt dated 8th October 1924, copy attached Appendix B)

2. The Government of India while issuing an Export license in favour of S.Abdul Hussain Khan, ordered in their Memo: No.390-F., dated 4th February 1925, that the arms &c should be handed over to S.Abdul Hussain Khan personally or his accredited agent, but neither S.Abdul Hussain Khan in person nor his accredited agent came to take delivery of the arms &c. They are lying still in the Agency Office in deposit. Sardar Abdul Hussain Khan is at - present at Lahore and has expressed his desire to sell the arms etc. and get their proceeds himself, if he is at Lahore or through Grindlay and Co., his agents. They are being sent for sale to Walter Lock and Co., as desired.

Sno 9 in F. No. 279-F/24 (Ship D)

3. The allegation of S.Mohammad Qasim Khan, that the British Courts of Justice settled the case of the house left by Sardar Fateh Mohammad Khan, arranging to divide the proceeds of the disputed house after sale, half and half, between the testatees and Bibi Sabira wife of Sardar Mohammad Ishaq Khan, is wrong. The house left by S.Fateh Mohammad Khan was in the name of his wife. Immediately after Mohammad Qasim and S.Abdul Hussain, left for Kabul,

Bibi

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Bibi Sabira, sister of Bibi Maimuna deceased wife of S.Fateh Mohammad Khan, applied the Revenue Courts to alienate the house in her name as heir of the deceased lady. The house was mutated in her name and she took possession of it through her legal agent on 25th February 1925. To make her claim stronger she gave notices to the testatees and finally filed a declaratory suit on 17th January 1927, claiming the exclusive possession of the house as owner. The Civil Court issued summons to the testatees, which were returned unserved. The Court after necessary proceedings passed an ex-parte decree on 12th November 1927, in terms of the plaint (Copy attached Appendix C), against the testatees. During the pendency of the case Bibi Sabira, sold the house to Sardar Mahtab Singh, Barrister-at-Law, for Rs. 15,000/- and received Rs. 6,400/-, the remaining amount is to be paid to her in April 1928.

4. Sardar Abdul Hussain Khan, said to the Assistant Political Officer, when the whole matter was explained to him by the latter, that he holds powers of attorney from all the testatees, but dislikes going to Court. He has no desire to apply to get the ex-parte decree cancelled and has informed Mohammad Qasim Khan to this effect. He said that his wife being the direct heir of Sardar Fateh Mohammad Khan (who is with him), he is "not willing to knock at the doors of British Courts."

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- C.M.G.Ogilvie.
Deputy Commissioner, Lahore.
I/C of the Ayub Khan Political Agency.

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نقل "وصیت نامه"

که جناب صاحبی ام سردار فتح محمد خان صاحب در حین بیماری خود حضرات حسب ذیل را بتاریخ ۱۳ ستمبر ۱۹۲۴ء
بساعت هشت بجه صبح طلبیده و بحضور همه بیان نموده اند حسب الخواهش ایشان تمام بیان
و مطالب شان را بحضور مجلس مرقوم نمودم - محمد عبد الاحد خان افغان - جناب سردار محمد عبد القادر خان افندی

جناب میر عبد القادر خان — جناب قاضی نور الدین خان — جناب مفتی محمد عظیم خان — المحرر عبد الاحد خان

چوهدری حاجی عبد الستار خان — حاجی بلند خان صاحب — منشی دین محمد صاحب — مستری الله بخش صاحب

وصیت

مقتضای شریعت و مسلمانی این است که انسان باید بحضور پنج نفر احباب خود کوائف هستی و ملکیت
خود را کما حقه بیان نماید درین حال که هوش و حواسم کاملاً بجاست بحضور شما وصیت خود را کما حقه بیان میکنم -
اولاً این که تا که خود من زنده باشم همه چیز و جائداد بخود من تعلق دارد و احیاناً چون مرگ حق است
و پیش از که از روی ایمان میگویم که من نقد مبلغ صد روپیه بمشکل خواهم داشت اساس البیت من
تفنگ ها و گاوی ها و اسپ و دیگر سامان خانه که خیال دارم بزندگی خود بفروش برسانم اگر احیاناً
نتوانستم بعد از من بفروش رسانیده بمصرف تجهیز و تکفین من برسد - از جای داد غیر منقوله
من بهندوستان همین یک کوئی ست که سکونت دارم و باین کوئی اگرچه از طرف عیال مرحومه
من مبلغ پانزده هزار روپیه هم خرج شده لکن کلیتاً اخراجات از کثیر در باب خرید و ایزادی
آبادی و تعمیرات و باغ و برق و غیره از من شده که تخمیناً مبلغ بیست و پنج هزار روپیه میشود
و در افغانستان جائداد کثیر بشراکت برادر خوردم حاجی سردار نظر محمد خان نیز دارم لهذا در باب
جائی داد های مذکوره الصدر نیز وصیت میکنم که جائداد افغانستان همه گی و تمامی حصه خود را
به برادرم حاجی سردار نظر محمد خان بخشیدم و هبه نمودم و جائداد لاهور را در صورتیکه
بفروش برسد قیمت آن والا اصل جائداد را بنواسه ها و دختر های خود بخشیدم
که علی السویه در میان خود شان تقسیم نمائند نام های انها حسب ذیل مرقوم است

نواسه من — محمد قاسم جان پسر سردار محمد سرور خان
نواسه من — عبد الکریم جان پسر سردار محمد سرور خان
نواسه من — رحمت الله جان پسر سردار محمد حکیم خان
نواسه من — بی بی حبیبه حبشه سردار فتاح الله خان
نواسه من — والده عبد الحی جان زوجه سردار عبد الحسین خان جنرل قونسل

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نواسه من	دفترم	دفترم
حمیده جان صبیه سرمعد محمد سرور خان	والده محمد قاسم جان	والده رحمت الله جان

(16)

و نیز از وجه همین کوئی که بفروخت برسد مبلغ دو صد روپیه به بهادر ملازم من و مبلغ پنجاه روپیه بعیالش و یکصد پنجاه روپیه به باجی مادر جیلانی و اگر بلنده ملازم من حاضر بود مبلغ سی روپیه بنامبرده و مبلغ یکصد روپیه به محمد اعظم خان ملازم من و سی روپیه بعیالش حق الخدمات بدهند باقی قرض خود را انشاء الله تعالی در زندگی خود ادا خواهم کرد و احیاناً اگر نتوانستم از همین رقم جائداد ادا کرده شود فقط

سیاهه قرض داری احتیاطاً مرقوم شد

از منشی دین محمد صاحب بر ذمه بی بی صاحبه مرحومه شصت روپیه

ایضاً بر ذمه سردار صاحب سه صد و هفتاد روپیه

از حاجی عبد الستار صاحب بر ذمه سرمعد صاحب پنجصد روپیه

قرض بهادر بر ذمه بی بی صاحبه مرحومه پنجاه روپیه

قرض باجی مادر جیلانی بر ذمه بی بی صاحبه مرحومه یکصد و پنجاه روپیه

از بلنده ملازم بر ذمه سرمعد صاحب چهل روپیه

چاپان هاؤس بر ذمه ایضاً چهل روپیه

بزاز هندو بر ذمه ایضاً یازده روپیه پنج آنه

برای درستی و صحت تحریر وصیت نامه وغیره بقلم خود دست خط نمودم فتح محمد افغان

۱۳ - ستمبر ۱۹۲۲ء

اسمای حضرات گواهان

۱ میر عبد القادر
۲ محمد عبد القادر افندی
۳ نور الدین
۴ محمد اعظم عفی عنه
۵ عبد الاحد خان
۶ عبد الستار
۷ بلند خان
۸ دین محمد بقلم خود
۹ مستری الله بخش

سپرد جناب محترم اسسٹنٹ صاحب مفتی محمد عظیم الله خان

فتح محمد افغان

Certified to be a true copy.

Supdt., Press Branch,
Punjab Civil Secretariat,
Lahore.

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(b)

Transliteration of the Will made by
Sardar Fateh Mohammad Khan, on 13th September 1924.

Appendix A(2)

Will that was made by my master S.Fateh Mohd Khan, during the time he was on his sick bed. At 8.a.m. on the 12th September 1924, he summoned the following persons and in their presence stated his will. Then in accrodance with his request, in the presence of all the audiance I reduced to writing all of his statement and his will.

Signed Abdul Ahd Khan the writer.

Present:- Sardar Mohd Abdul Qadir Khan, Agha Mir Abdul Qadir Khan, Kazi Noor-ud-Din Khan, Mufti Mohd Azim Khan, The writer Abdul Ahad Khan, Ch. Haji Abdus Sattar, Haji Buland Khan, M. Din Mohammad and Mistari Allah Bakhsh.

The "Will"

It is expedient to Mohammadan Law (Shariat) and Mohammadanism that a man must relate the facts of his assets and belongings as truly as he can, in the presence of his friends (5 of his friends) Now that I am fully and completely in my senses, I honestly relate my 'Will' in your presence:-Firstly- so long as I am alive all the things and property which I own belongs to me. If I died as death is true and inevitable, I tell to the best of my faith that last difficulty I would have only about Rs.100/- cash in my hand, My household things, arms, gharri, horse and other household furniture etc., I have a mind to sell them in my lifetime. If I could not, they may be sold after my death and my funeral carried on with their proceeds. As to my immoveable property in India, this is the only house which I live in. In this house though Rs. 15,000/- have also been spent by my wife, but almost all the expenses for the purchase, addition of buildings, gardens and electricity etc., were borne by me, which

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estimate to Rs. 25,000/-.

In Afghanistan I own a large property in partnership with my brother Haji Nazar Mohammad Khan. I make a Will for these said properties as well. I gift, all my share in part and parcel, of the property in Afghanistan to my brother Haji Sardar Nazar - Mohd Khan. The property at Lahore, if sold, its - proceeds, if not in original, I gift to my grand - children and my daughters, who should divide equally between themselves; their names are:-
Mohammad Qasim Jan s/o S.Mohd Sarwar Khan, Abdul Karim Jan s/o S. Mohd Sarwar Khan, Rahmat Ullah Jan s/o S.Mohd Hakim Khan, Bibi Habiba d/o S.Fat Ullah Khan, Mother of Abdul Hai Jan wife of Abdul Hussain Khan Genl. Consul, Hamida Jan d/o S.Mohd Sarwar Khan (all of the above are grand children) Mother of Mohd Qasim Jan, Mother of Rahmat Ullah Jan, (daughters).

Out of the sale proceeds of this house if sold Rs. 200/- may be given to Bahadur my servant, Rs.50/- to his wife, Rs. 150/- to Baji, mother of Jilani, if Bulanda my servant be present, Rs.30/- may be given to him. Rs. 100/- may be given to Mohd Azam Khan my servant and Rs. 30/- to his wife as Haqul Khidmat. There remain my debts, I hope to clear them off during my life if God wished. In case I may not be able to do so, they may be paid out of the sale proceeds of my property

List of debts entered below for use:-

Due to M.Din Mohd by the late Bibi Sahiba -----Rs.260/-
Due to -do- by Sardar Sahib ------" 370/-
Due to Haji Abdus Sattar by Sardar Sahib ----- " 500/-
" " Bahadur by Bibi Sahiba ---------- " 50/-
" " Baji mother of Jilani by Bibi Sahiba -- " 150/-
" " Bulanda by Sardar Sahib ---------- " 40/-
" " Japan House ---------- " 40/-
" " Hindu Bazaz by Sardar Sahib ---------- " 11/5

For

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For the correct and right scribing of the "Will"
I sign it with my own hand
Dated 13th September 1924. Sd/- Fateh Mohammad Afghan.

Signed by Mir Abdul Qadir -- Mohd Abdul Qadir Effendi-Noor - ud-Din -- Mohammad Azim-- Abdul Ahad Khan-- Abdus Sattar -- Buland Khan - Din Mohammad-- Mistari Allah Bakhsh.

Made over to our Assistant Mufti Mohd Azimullah Khan.

Sd/- Fateh Mohammad
Afghan.

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(20)

Appendix B

Received from Sardar Mohd Qasim Khan the following arms:-

1. Mauser rifle .375 bore, Magazine of 5 cartridges No. 28123 by Holland & Holland.- one
2. D.B.B.L. .450 bore rifle No.8762 = one
3. One black painted iron box locked.
4. One leather box locked - little larger.
5. One leather box locked - Small.
6. Bag (hand canvas bag) open containing 12 bore cartridges, balls etc.

Sd/ Mohd Azim
8.10.24

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Appendix C

Copy of plaint.

In the Civil Court, Lahore.

Bibi Sabira wife of Sardar Mohammad Ishaq Khan, Afghan (Mohd Zai) of Quetta, Plaintiff -

Versus

1. Sardar Nazar Mohd Khan son of Sardar Mohd Alam Khan caste Afghan care of Mullah Bismilla Book-seller, Bazar Book sellers, Kandhar, through the British Consul at Kandhar (Afghanistan)
2. Rahmat Ullah's mother wife of Mohd Hakim Khan Hakim Kalan of Asmar, caste Afghan, through the British Legation at Kabul (Afghanistan).
3. Mohammad Kasim Khan son of Sardar Mohd Sarwar Khan caste Afghan care of Afghan Legation at Rome (Italy).
4. Abdul Karim son of Sardar Mohd Sarwar Khan, Afghan resident of Guzar Khabgah Kabul, through British Legation at Kabul (Afghanistan).
5. Mussammat Hamida daughter of S.Mohd Sarwar Khan caste Afghan resident of Guzar Khabgah, Kabul throgh the British Legation at Kabul (Afghanistan)

Defendants

Suit praying for a declaration to the effect that BungalowNo 11 situated on Multan Road, Lahore; Bounded on the east by Multan Road, on the west by Pacca Rain - Water drainage and Musketry ground, on the north by the bungalow of late K.B.Khuda Bakhsh Khan; on the south agricultural land; which Bungalow No.11 was left by the deceased Sardar Fateh Mohd Khan son of Sardar Mohd Alam Khan and is at present in plaintiffs possession, is exclusively possessed by the plaintiff as owner and the defendants have no right of owner-ship or heredity whatsoever over the said property or if they had any they have forfeited it.

The

The aforesaid plaintiff states as follows:-

1. That the bungalow No. 11 aforesaid was purchased by Bibi Maimuna wife of Sardar Fateh Mohd Khan who was the Plaintiff's real sister under a registered sale-deed dated 6th January 1917. The said Bibi Maimuna died in the month of September 1924 at Lahore and left her husband S.Fateh Mohd Khan (since dead) and the plaintiff her only surviving heirs-

2. That 24 days after the death of said Bibi Maimuna her husband Sardar Fateh Mohammad Khan also died at Lahore. So the plaintiff took possession of half the said Bungalow No.11 as the heir of Bibi Maimuna and of the other half in lieu of a part of dower debt due to the said Bibi Maimuna from her husband Sardar Fateh Mohd Khan. The plaintiff's name was duly entered in the Revenue papers and the mutation of the whole bungalow was sanctioned in her favour by the Tahsildar Lahore on 15th February 1925 (copy of the mutation and the said sale-deed is appended herewith).

3. As the late Sardar Fateh Mohammad Khan owed a lac (1,00,000/-) of rupees as a dower -debt to Bibi Maimuna who on her death left the plaintiff as her only heir; so the plaintiff inherited half of the said bungalow No.11 as Bibi Maimuna's heir and the other half is held by her in lieu of Rs. 10,000 /- as a portion of the said dower-debt which the plaintiff, is entitled to recover from the property left by Sardar Fateh Mohd Khan.

4. Besides the said sum of Rs.10,000/- (ten thousands) the plaintiff, is entitled to recover Rs. 40,000/- (Forty thousands) more from the defendants, who are the heirs of said S. Fateh Mohammad Khan. As to this sum the plaintiff will file a separate suit shortly

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shortly against the defendants.

5. The plaintiff sent registered notices through her consul to the defendants requesting them to acknowledge her as the sole owners in possession of the said bungalow No. 11 and to pay to her the remaining dower-debt to which she was entitled, the defendants acknowledged the receipt of notices and intimated that a reply thereto will be sent by the next Dak, but no reply was received by the plaintiff to her notices. The cause of action arose on the said date (30 . 4 . 25).

6. That some defendants have been writing letters to the plaintiff's husband voguely asserting their rights as to the said bungalow No 11, hence the necessity of the suit for declaration.

7. The property (bungalow No. 11) is situate in Lahore so the Lahore Civil Courts have jurisdiction.

8. The value of the suit for the purposes of jurisdiction is Rs.10,000/- and the Court fee for declaratory suit is fixed by law at Rs,10/-

9. Under the above circumstances a declaratory decree with costs in accordance with the terms stated in the heading of this plaint against the defendants may be granted.

Verification:-

The facts stated in the above plaint are true to my belief -

Sd/- Sardar Mohammad Isa Khan son of Plaintiff afore-said.

dated 17.1.27.

Bibi Sabira wife of Sardar Mohammad Ishaq Khan Sahib Afghan (Mohd zai) plaintiff, through Ch.Ahmad Bakhsh,B.A.,LL.B., Advocate, High Court, Lahore.

dated 17.1-27.

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(4)

(24)

F HP

DEPARTMENT. File No.

F **BRANCH.** Serial No.

Draft Letter / ~~Memorandum~~ / Telegram

Class for telegrams: Ordinary / Express / Urgent* / Priority / Clear Line†

*Only for Foreign Telegrams.

†Not for Foreign Telegrams.

	To be issued on	Issued on
1st Reminder		
2nd Reminder		
3rd Reminder		

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

S. No. 1

No. F 642-7 Dated 7th March 1928

To

H.M.'s Minister,

Tehran.

Subject.

Disposal of the property of the late Sardar Fateh Mohammad Khan.

Sir,

I am directed to refer to your Memo.No.136, dated the 30th July 1927 and to enclose for your information a copy of a memo. from the Government of the Punjab No.5748-Pol./Genl. dated the 17th February 1928 together with its enclosures.

The Afghan Minister might, it is suggested, be informed that no redress is possible for the claimants outside the regular

S. 3.

MGIPC—S2—2344(CSP)DCF—(G-1499)—24-2-27—30,000 Pads.

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Courts of Law, to which they are apparently loath to resort at present.

I have etc.,

D.S.(F.)

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Draft ~~Letter~~ Memorandum ~~Telegram~~

Heading:

Case No.

If post copy of telegram required

Reminder to issue Monthly / Fortnightly / Weekly

Dto.
12.9.27.

(Code word for Foreign telegrams.)

~~Class for Telegrams~~ ORDINARY. / EXPRESS.

No. ~~D. 2375-F~~ 642-

F - BRANCH.

Dated Simla 12th Sept: 1927.

To

the ~~Home~~ Chief Secretary to Govt:

Punjab

Subject

Disposal of the property of the late Sardar Fateh Muhd: Khan.

Reference cases: ending with the memo: from the G. of I in the F&P Dept: No: D. 390-F, dated the 4th Feb: '25.

2. A copy of a memo: from H.B.M's Min: Tehran, No: 136, dated the 30th July 1927 & encl: is enclosed. The G. of I wd be glad to be ~~furnished with the materials for a reply.~~ informed at an early date a detailed report as to facts of the case at an early date to enable them to ~~send a~~ reply to H.B.M's Min: Tehran.

Drafted by

Copied by

Fair examined by

M. I.

Attested R. S. Buddh, Supdt. F&P Dept

J. G. Acheson

D.S.F.

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