

poor Memorialist doubt not but that your Honors will deliver him from the ruin and injury of the Judicial authority.

5. The above stated authorities entirely admitted the illegal grounds shewn in the Original Decree of the District Moonsiff, and non-suited your poor Memorialist's claim, but not otherwise, so that your poor Memorialist most humbly and respectfully begs leave to raise reasonable objections against the Decree of the Original Court.

6. That is to say, the said District Moonsiff objected in the 2nd para. of his Decree stating that the aforesaid document No. 44, produced by the Plaintiff is not in support of his claim on the ground of its not being formed part of the records of the Collector's Cutcherry, and also signed and sealed by the present authority.

7. It is not right, during the time of his Highness the Nabob, the Reddies head inhabitants of the village of Tottapoliem granted as Enam or gift their own landed property in dispute for the perpetuation of the charity of the said Mutt and for which executed an Enoyetnamah, as it was taken place before the presence of Cazy, that was then the late authority. It is also merely sealed by him which is filed in No. 44 of this suit. The said District Moonsiff has no any reason to make such objections against the said document which is not granted by the present or former Government. It is the private property of the Reddies, the head inhabitants of Tottapoliem, they are entitled to dispose of their own property such as they pleased, there is no necessity for such documents to enter registry in the public records in the name of your Memorialist.

8. Your poor Memorialist prays your honors to consider why the District Moonsiff failed to state in his Decree on which deed the said Respondent possessed and enjoyed the said ground in dispute, and the manifest proof of the worthy witnesses and also the title-deeds No. 44 produced on the part of your Memorialist for the long period of enjoyment and possession of the said disputed ground, but the said District Moonsiff passed the unjust Decree in his favor, stating merely therein the false ground of the proof of his witnesses for his enjoyment and possession of the said disputed ground. Here your poor Memorialist prays your honors to observe that either the Appellate or the Court of Sudr Udalut found not the said injustices.

9. Besides these, the registry of the land attached to the mutt adjoining to the disputed ground granted by the Nabob is entered in the records of the Collector's Cutcherry in the name of your Memorialist for which he produced an Exhibit in No. 212 of this suit, the translation of which is herewith annexed for perusal.

10. It is mentioned in the 3rd para. of the Original Decree that the witnesses on the part of the Plaintiff proved that the Plaintiff is the descendant of Samul Doss, the original proprietor, while so, it is great injustices on the part of the Talook Moonsiff to object, that it is not so.

11. The said Respondent produced 5 puttahs of 5 years, Nos. 47, 48, 49, 50 and 51, issued in his name fraudulently, without the knowledge of the Plaintiff and proved by several evidences on his part that the ground in dispute has been in the possession of the said 1st Respondent for a very long period extending to 40 years. The said District Moonsiff in support of the above stated puttahs admitted in his Decree the possession and enjoyment of the ground in dispute of the said 1st Respondent to 40 years, according to the statement of the some of the witnesses on the part of the said 1st Respondent and further stated therein a gross falsehood that the Plaintiff admitted the possession and enjoyment of the said 1st Respondent to 30 years, it is not true.

12. The said Plaintiff alleged in his plaint that the 1st Respondent had paid to him rent for his enjoyment of the ground sued for to a period of 30 years according to the statement of the judgment part of the Appeal Decree.

13. The said District Moonsiff concealed in his Decree to state that the 1st Respondent was unable to produce the title-deed of the ground in dispute and vainly speaks that the said Plaintiff failed to produce any evidence in proof of his assertion which is clearly and manifestly proved by the worthy witnesses and underivable document title-deed of the ground, under dispute.

14. The Subordinate Judge of Chittoor the Appellate Court not satisfying in confirming the Decree of the District Moonsiff, passed his Appeal Decree stating a gross falsehood that the evidence taken before the lower Court shews that the Appeal made by the Appellant against the Decision of the lower Court is a litigious appeal and hence he is adjudged under Section XXXV, Regulation IV of 1802, to pay a fine of fifteen Rupees.

15. Under the foregoing grounds your Memorialist and most and respectfully solicits your honors to look into 7 documents, the true translation of the title-deed of the ground under litigation, and that of the registry No. 212, entered in the name of your Memorialist for the ground and shops attached to the said Mutt or Convent adjoining to the ground in question and the Original and Appellate Courts Decrees A and B together with the said Extracts of the Court of Sudr Udalut C and D and the endorsement of the Government E, and pass an order to deliver over to your Memorialist the disputed land with the rent due thereon together with the Court costs incurred on the remission of the fine unjustly levied from him who is supporting himself and distributing rice to many poor travellers that halted in the Mutt aforesaid.

For which act of charity and justice, your Memorialist (poor Byraggy) as in duty bound,
Shall ever pray,

Madras, 29th May 1857.

Signature.

A.

Decree of the District Moonsiff's Court of Vellore. Original Suit No. 303 of 1851.

Plaintiff.

Defendants.

Bagavan Doss Bavajee, the son of Mogun Doss,
residing at Vellore.

1. Thanappa Moodelly.
 2. His son, Mooneyappa Moodelly.
 3. Meetoyee Chengun, residing at Vellore.
- The 1st Defendant's Vakeel, Kistnapillay.
The 3rd Defendant's Vakeel, S. Ramanooja-charry.

Vakeel, P. Chengier.

The Suit was brought for the recovery of the house and the rent thereof.

That about 90 years before the Plaintiff's forefather Samul Doss obtained lands as Enam from the late Nabob Mahomud Allykhan Bahder, to build the Byraggy Mutt or Convent and expended a considerable sum of money to that effect and enjoyed it. While so, the Defendants was engaged to the father of the Plaintiff, Mogun Doss on the February 1821 to pay 4 annas rent per month for another land measuring 3 yards, 2 English feet and 3 inches from east to west, and 12 yards and 9 inches from north to south valued Rupees 40, and situated in the town of Vellore, and also the sum of Rupees 3 on account of the said ground.

The Plaintiff's father granted the said land to the Defendant who built thereon a tiled shop of 2 ankanams valued at 20 Rupees, and enjoyed it by paying rent; but on the contrary, the Defendants usurped it without paying the rent on the 2nd June 1850.

In a Suit No. 779 of 1848, a Hookoomnamah was issued to zuft the land aforesaid for the sum due by the said Defendant to the Plaintiff Alamaloo Ammah. Upon which the Plaintiff (Bagavan Doss Bavajee, Byraggy) in this Suit No. 303 of 1851, put a Petition stating that the said Defendant is merely a tenant and not the legal heir, the disputed land would not realize the sum due to Alamaloo Ammah, but he the Plaintiff was ordered to prefer a regular suit.

The Defendant in his answer states that one Soobbaroya pillay of Chithapaupum had procured the land about 60 years before, built a shop thereon and enjoyed it, that he (the 1st Defendant) purchased from him under an agreement, repaired and rented it to some persons, that Puttah also entered in his name, and that he is enjoying it, paying kist to the Cirkar, that the disputed land is not included in the Mutt, that no agreement was passed, that no land is required to be given up, and the Plaintiff is not the disciple of Samul Doss, that the Plaintiff is not the son of Mogun Doss, that the Plaintiff has no right to the said Mutt, that the Plaintiff is in the Mutt as well as other Byraggees, and that the land is valued at Rupees 300.

Documents produced in this Suit.

Nos.

1. Plaint.
2. Vakalutnamah of the Plaintiff.
12. List of Witnesses of do.
33. Petition presented by the Vakeel of do.

Fort St. George, Judicial Consultation, 16th June 1857.

Mutt at Vellore, which was entered registry in the name of Mogana Doss, is ordered to issue Jauree Sunnud in the name of the said Bagavan Doss, wherefore you are hereby ordered to deliver over the said land to the Enamdar according to the Cusom.

Valaganagaram, 14th March 1839.

(True Copy.)

It was delivered to the Petitioner Bagavan Doss, on the 6th August 1852.

It is drawn in Mahratta language by Goomestah Streenevassa Row, Soobbarow, Sheristadar.

(Signed) H. A. BRETT,
Acting Collector.

B.

Decree of the Subordinate Court in the Zillah of Chittoor. In Original Suit No. 303 of 1851, on the file of the District Moonsiff of Vellore.

Plaintiff.

Bagavan Doss Bavajee.

Defendants.

1. Tanappa Moodelly.
2. Mooneyappa Moodelly.
3. Metayee Chengum.

Appeal Suit No. 195 of 1852.

Appellant.

Bagavan Doss Bavajee.

Respondents.

1. Tanappa Moodelly.
2. Mooneyappa Moodelly.
3. Metayee Chengum.

By Vakeel Soobramanya Sastry.

1. The Original Suit was instituted by the Appellant to recover from the Respondents a piece of ground, measuring $3\frac{1}{2}$ yards from east to west, and $12\frac{1}{4}$ yards from north to south, valued at Rupees 40 and situated in the Town of Vellore, and also the sum of Rs. 3 on account of the rent of the said ground.

2. The District Moonsiff dismissed the Plaintiff's claim with costs of suit on the ground that he had failed to prove that he had any right to it, and that the evidence taken before him shewed that it formed no part of the Enam land adjoining the ground in dispute, of which the Plaintiff was the possessor, and to which he had alleged that the said ground belonged.

3. The Appellant in his Appeal Petition alleged that it had been duly proved by his witnesses in the lower Court that the piece of ground claimed by him formed part of the Enam land adjoining it, which he enjoyed, that he could prove the said fact by public documents, and that the Moonsiff had admitted the 1st Respondent's title to the ground, although he had been unable to produce any documentary evidence in proof of it; he also alleged that the evidence of the Respondents' witnesses which was principally that of Curnums, had been obtained by unfair means, and therefore should not be received in favor of his claim.

4. The Respondents did not file any reply to the Appeal Petition.

Judgment. The Court fully concurs in the decision of the lower Court. There is no evidence whatever to shew that the ground claimed by the Appellant belongs to him, or forms part of the Enam land attached to the Choultry, which he occupies and superintends, but the evidence taken by the lower Court is wholly opposed to his claim, and clearly shews that the Appellant has no right to the ground in dispute. The shops of which there appear to be several, erected on the ground attached to the Choultry have never been assessed to Government; but the shop erected on the ground in dispute has always been assessed, and therefore it is very clear that it is not erected on the ground attached to the Choultry. The evidence also of nearly all the witnesses examined in the lower Court shews that the ground in dispute has been in the possession of the 1st Respondent for a long period extending according to the statement of some of the Witnesses to 40 years, and that during this period the Appellant has not interfered in any way

Fort St. George, Judicial Consultation, 16th June 1857.

with the 1st Respondent in his possession of it. The Appellant also alleged in his plaint that the 1st Respondent had paid to him rent for his enjoyment of the ground sued for, but he was unable to produce any evidence in proof of his assertion. The Court under the above circumstances confirms the decision of the lower Court, and dismisses the Appeal with costs, and as the evidence taken before the lower Court, shews that the Appeal made by the Appellant against the decision of the lower Court is a litigious Appeal, he is adjudged under Section XXX, Regulation IV of 1802, to pay fine of fifteen Rupees.

Statement of Costs Suit.

The value of stamp papers, &c. used by the Appellant, viz.

1 Roll for Appeal Petition.....	8	0	0
1 do. for Vakalutnamah.....	1	0	0
Fees of Vakeel Soobramaneyasastry.....	3	5	6
2 Rolls for filing two documents.....	2	0	0
Batta to a Peon who served Notice on the Respondent...	0	9	0

14 14 6

Costs incurred in the lower Court.....

8 0 3

22 14 9

The Value of stamp papers, &c. used by the Respondents and payable by the Appellant.

Batta to a Peon who served Notice on the Respondents... 0 9 0

0 9 0

Costs incurred in the lower Court to the Original 1st Plaintiff 4 0 3

Costs incurred in the lower Court to the Original 3rd Plaintiff 4 2 3

Total Rupees... 31 10 3

Given under my hand, and the Seal of the Court, this 15th day of December A. D. 1855.

(Signed) J. H. GOLDIE,
Subordinate Judge.

This is to Certify that this Decree is signed, sealed and certified in open Court, on the 30th January, and that the period for preferring a Special Appeal from this Decree; will expire on the 29th April 1856, within which time the appreciation for Special Appeal, accompanied by copies of the several Decrees previously passed on the case, must be presented to the Court of Sudder Udalt, or the application will be rejected.

(Signed) J. H. GOLDIE,
Subordinate Judge.

No private adjustment of this Decree is allowed, the parties must all appear in Court and settle the matter.

(Signed) J. H. GOLDIE,
Subordinate Judge.

This is to certify that from and after the 1st April 1852, no Decree shall be executed after the lapse of 12 years, unless the party applying for execution shews by clear and positive proof that his application is on one or other of the grounds specified in Clause fourth, Section XVIII, Regulation II of 1802, excepted from the general rule of limitation prescribed in that Section.

(Signed) J. H. GOLDIE,
Subordinate Judge.

Fort St. George, Judicial Consultation, 16th June 1857.

The Appeal Complaint was filed on 29th November 1852.
The Pleadings were closed on the 11th November 1854.
The Appeal was heard on the 9th December 1855.
The Decree was passed on the 15th December 1855.

(Signed) J. H. GOLDIE,
Subordinate Judge.

(True Copy.)

(Signed) J. H. GOLDIE,
Subordinate Judge.

Signed on the 30th January 1856.
Special Appeal time expires on the 29th April 1856.
Copy of a Decree applied for on the 4th February 1856.
Do. ready on the 8th February 1856.
Do. furnished on the 8th February 1856.
Delay not attributable to the party, 4 days, Special Appeal time with reference to Section III Act XXXV of 1837, will expire on the 3rd May 1856.

TO THE COURT OF SUDR UDALUT.

The Special Appeal Petition presented by Bagavan Doss Bavajee, residing in Vellore, Plaintiff in Appeal Suit No. 195 of 1852, on the file of the Subordinate Court of the Zillah of Chittoor.

The deceased Nabob Mahomed Allykhan Bahder, during his Government about 90 years before, had granted to my great grandfather Samul Doss, certain portion of land to build a Mutt or Convent who at the expence of a considerable sum of money erected a convent and shops, &c. We enjoyed and possessed it up to the present time hereditarily, and also the registry entered in my name in the Circar account, besides this, the heads of the Reddy caste people of the said village have in Eazarer 1209 given up certain portion of land which is exempted from assessment to our forefathers as a gift for the use of the said Mutt, and also executed an Enoyetnamah to that effect. While so, the Special Respondent of Tataupalium Tanuppah Moodelly and others of Vellore had, with the consent of my ancestors, built a tiled house and a shop of 2 ankanums valued at Rupees 20, agreeing to pay them rent and then continued to pay the said rent to me also up to the 1st June 1850, and intended to usurp the said tiled house and shop under an evil idea from 2nd of the above month, and mortgaged them to some people without my knowledge, the mortgagee sued him and issued a Hookoonamah to sequester the aforesaid property. I then came to understand this as I was present and presented to the District Moonsiff a Petition stating to annul the said sequestration, he ordered me to bring a regular suit, I instituted a suit in No. 303 against the said Tanuppah Moodelly and others, to recover the said property and its rent, Rupees 3 due to me, and produced the Enoyetnamah executed to my forefathers from generation to generation, and proved by the shopkeepers that kept shop in the said ground in dispute and by some other creditable people the witnesses on my part for my unobjectionable enjoyment and possession of the property under litigation. The Moonsiff passed a decision in favor of the defendant, stating that the aforesaid Title deed of the said disputed ground is invalid and admitting the false evidences that proved that the defendant had purchased the said disputed ground as well as its building about 60 years to produce the Title-deed executed in his favor by the renter, as well as the proof of the witnesses established in his favor. I not being satisfied appealed in No. 195, on the file of the Subordinate Court against the said Decree. The Appellate Court had not observed the document as well the proof aforesaid and confirmed the award of the Original Court, adjudging to pay a fine of 15 Rupees on the ground of my bringing a litigious case. I am a poor Byraggy, by the rent derivable from the shops of the said ground attached to the Mutt I support myself and supply food to any poor persons.

Fort St. George, Judicial Consultation, 16th June 1857.

I therefore pray your Honorable Court will graciously be pleased to call for and peruse the record of the case together with the Special Appeal Petition and the Decrees of the lower Court for the admission of a Special Appeal, and pass a decision that the disputed land with the rent due thereon be delivered over to me and that the Special Respondent may unroof his shop built on my ground aforesaid, and that the fine levied from me with the costs of suit incurred to be refunded to me in a reversal of the Original and Appeal Decrees.

3rd July 1856.

(Signed) BAGAVAN DOSS BAVAJEE, Byraggy.

C.

Extract from the Proceedings of the Sudder Udalt, under date the 6th November 1856.

Present. { G. S. HOOPER, Esq.,
F. ANDERSON, Esq.,
T. W. GOODWYN, Esq., } Judges.

Read Special Appeal Petition presented on the 3rd July 1856, by Bagavan Doss Bavajee, of Zillah Chittoor.

(Here enter Special Appeal Petition, No. 434 of 1856.)

1. This is an application for the admission of a Special Appeal from the Decree of the Subordinate Judge of Chittoor, in Appeal Suit, No. 195 of 1852, confirming that of the District Moonsiff of Vellore, in Original Suit, No. 303 of 1851.

2. The Court of Sudder Udalt observe, that the Decisions of the lower Courts, have been passed upon appreciation of evidence, and hence, no legal grounds exist for the admission of a Special Appeal, this Petition is therefore rejected.

Ordered that Extract from these Proceedings, be sent to the Subordinate Judge of Chittoor.

Ordered also that Extract from these Proceedings, be furnished to the Petitioner, on his application.

(True Extract.)

(Signed) C. CHAMIER,
Deputy Register.

To the Court of Sudder Udalt, 1st Review Petition respectfully presented by Bagavan Doss Bavajee, (a poor Byraggy) of Vellore in the Zillah of Chittoor.

Your Court on the 6th November 1856 rejected my Special Appeal Petition No. 434 of the same year, declaring that the evidence of the Special Respondent's witnesses was trustworthy, and that no legal grounds were assigned for the admission of it, therefore I beg to state sufficient reasons hereunder.

The deceased Nabob Mummud Ally Khan Bahader of Arcot, during his Government about 90 years before, had granted to my great grand-father Samul Doss, certain portion of land as Enam for building Byraggy Mutt, who at the expenditure of a large sum of money erected the Mutt, shops, &c., thereon and enjoyed it after him, my father enjoyed the premises, which I on his death, continue to enjoy, and the registry is till now made on my name by the Circar. Besides this, the heads of Reddy caste people in the village have in Eazaree 1209 given up certain portion of land for the use of the said Mutt in the names of my ancestors and also executed Enayet Namah to that effect. While so, the special Respondent of Tottapolliem Tanappa Moodelly and others of Vellore had, with the consent of my ancestors, built a shop of 2 Ankanums valued at 20 Rupees on the latter mentioned land, and continued regularly to pay the rent to my father and then to me to 1st June 1850, but the said Tanappa Moodelly on the 2nd of the same month attempted to dispossess me of the land. This I came to understand, and sued him in No. 303 of 1851, before the District Moonsiff, but this Officer admitted the false assertion of the Special Respondent that he had purchased without document the disputed land from some individual saying that the evidence adduced by him was satisfactory to him, without examining my witnesses who have kept shops thereon and my documents and passed a Decree in his favor.

Fort St. George, Judicial Consultation, 16th June 1857.

Against this decision I made an Appeal No. 195 of 1852 in the Civil Court filing in the said documents. Even that the Civil Judge without perusing them, confirmed the award of the Moonsiff, declaring that my claim is false and fined me in 15 Rupees.

Against this proceeding I preferred a Special Appeal to your Court, but they also confirmed the Decrees of the lower Courts, while the disputed land on which the shops are built is still now in my possession, while the Special Respondent as well as other shop keepers continues to pay me the rent, while I have filed in the Enayet Namah given by the heads of the Reddies and while I have filed true copies of the registry account entered in my name regarding the lands belonging to the said Mutt in the Appellate Court and also in your Court, a proceeding is unjust. I am a poor Byraggy, and the Mutt is useful to travellers. By the rent derivable from the said shops I support myself supply food to any poor persons.

I therefore pray your Court after calling for and perusing the record of the case will be pleased to pass a decision in that disputed land with the rent due thereon be delivered over to me, that the Special Respondent may unroof his shop built on my land, that the fine levied from me with the costs of suit incurred to be refunded to me on a reversal of the Original and Appeal Decrees.

Madras, 29th January 1857.

(Signed) BAGAVAN DOSS BAVAJEE, Byraggy.

D.

Extract from the Proceedings of the Sudder Udalt, under date the 19th February 1857.

Present. { G. S. HOOPER, Esq.,
F. ANDERSON, Esq., } Judges.

Read Miscellaneous Petition presented on the 29th January 1857, by Bagavan Doss Bavajee, of Zillah Chittoor.

(Here enter Special Miscellaneous Petition No. 70 of 1857.)

The Petitioner prays the Court to review their order of 6th November last, rejecting his application for the admission of a Special Appeal from the Decree of the Subordinate Judge of Chittoor, in Appeal Suit No. 195 of 1852.

The Court of Sudder Udalt see no reason to interfere with their former order, and they accordingly reject this Petition.

Ordered that Extract from the Proceedings be furnished to the Petitioner on his application.

(True Extract)

(Signed) C. CHAMIER,

Deputy Register.

E.

To the Right Honorable the Governor in Council, Fort St. George, &c., &c., &c.

The humble Petition of Bagavan Doss Bavajee,
(a poor Byraggy) of Vellore, in the Zillah of
Chittoor.

HUMBLY SHEWETH,

Your Lordship's poor Petitioner, most respectfully takes the liberty of bringing injured case into your Lordship's consideration, with these following few lines.

The Court of Sudr Udalt on the 6th November 1856, rejected your Lordship's Petitioner's Special Appeal Petition, No. 434 of the same year, declaring that the evidence of the Special Respondent's witnesses was trustworthy, and that no legal grounds were assigned for the admission of it, which will be proved to your Lordship, by the adduced two Extracts.

The deceased Nabob Mahomud Ally Khan Bahader, of Arcot, during his Government, about 90 years before, had granted to your Lordship's Petitioner's great grand-father Samul Doss, certain portion of land as Enam, for building Byraggy Mutt, who at the expenditure of a large sum of money, erected the Mutt, shops, &c., thereon, and enjoyed it, after him your Lordship's Petitioner's father enjoyed the premises, which on his death your Lordship's poor Petitioner

Fort St. George, Judicial Consultation, 16th June 1857.

continue to enjoy, and the registry is till now made in his name in the Circar. Besides this, the heads of Reddy caste people in the said village have in Ezaree 1809, given up certain portion of land for the use of the said Mutt, in the names of your Lordship's Petitioner's ancestors, and also executed Enayetnamah to that effect. While so, the Special Respondent of Totapallum Tanappa Moodelly and others of Vellore had, with the consent of his ancestors, built a shop of 2 akanams, valued at 20 Rupees, on the latter mentioned land, and continued regularly to pay the rent to your Lordship's father, and then to your Lordship's Petitioner, to 1st June 1850, but the said Tanappa Moodelly on the 2nd of the same month, attempted to dispossess me of the land. This your Lordship's Petitioner came to understand, and sued him in No. 303 of 1851, before the District Moonsiff, but this Officer admitted the false assertion of the Special Respondent, that he had without document purchased the disputed land from some individual, saying, that the evidence adduced by him was satisfactory to him, without examining your Lordship's Petitioner's witnesses, who have kept shops thereon, and his Documents and passed a Decree in his favor.

Against this decision, your Lordship's poor Petitioner made an Appeal in No. 195 of 1853, in the Civil Court, filing in the said Documents, even that the Civil Judge without perusing them, confirmed the award of the Moonsiff, declaring that your Lordship's poor Petitioner's claim is false, and fined him 15 Rupees.

Against this proceedings, your Lordship's Petitioner preferred a Special Appeal to the Court of Sudr Udalt, but they also confirmed the Decrees of the lower Courts, while disputed land on which the shops are built is still now in your Lordship's Petitioner's possession, while the Special Respondent as well as other shop-keepers continues to pay the rent, while your Petitioner has filed in the Enayetnamah, given by the Heads of Reddies, and while he has filed true copy of the registry account entered in his name regarding the land belonging to the said Mutt, in the Appellate Court and the Courts below, a proceeding is unjust.

Your Lordship's Petitioner is a poor Byraggy, and the Mutt is useful to many travellers. By the rent derivable from the said shops, your Lordship's poor Petitioner supports himself and supply food to any poor persons who halt there.

Wherefore your Lordship's poor Petitioner, most humbly and respectfully prays your Lordship's humanity and justice would graciously be pleased either to order the Court of Sudr Udalt to re-investigate the case, or pass a just decision on your Lordship's minute consideration of the proceedings, directing that the land under litigation with rent due thereon to be delivered over to your Lordship's poor Petitioner, and also the fine of 15 Rupees levied from him with costs of suit incurred to be refunded to him, in a reversal of the Original and Appeal Decrees.

For which act of charity and justice, your Lordship's poor Petitioner, as in duty bound,

Shall ever pray.

Madras, 28th April 1857.

(Signed) BAGAVAN DOSS BAVAJEE, Byraggy.

No. 8.

ORDER THEREON, No. 679; dated 12th June 1857.

The matter complained of by the Memorialist formed the subject of Judicial proceedings in the Lower Courts and the decrees of those Tribunals were upheld on being brought under the review of the Sudder Udalt. The Government decline therefore to forward his Memorial to the Honorable the Court of Directors under the discretionary power vested in them by that Authority.

(Signed) E. MALTBY,

Acting Chief Secretary.

Exd. F. Cartledge.

No 679

Extract from the Minutes of Consultation

Dated 12th June 1857.

Read the following Memo-
rial from Narayan Doss Narajee
to the address of the Honble the
Court of Directors.

(Here enter 29th May 1857 No.)

The matter complained of
by the Memorialist formed the
subject of Judicial proceedings
in the lower Courts and ~~the~~
~~decisions of those tribunals were affirmed~~
~~on being brought under the review of the~~
~~Madras Appeal, The Court decided~~
therefore
to forward his Memorial to
the Honble the Court of Directors
under the discretionary power
vested in them by that authority.

(Memo:

vide ltr from Govt. of India

21 Jan^y recorded in Cons. 15th

Feb. 1858 Rev. Sept.) No 24425-

To Narayan Doss Narajee
Ragasshy of Vellore -
Madras

with 2 Copies of the Memorial & their
Incl^{cs} - (returned) -

Dispt. 10th

Price to August 26 of 1857.
P. 50.
New from August 25 of 1857.
P. 45.

In 2. to Louis W. Lane
Judicial. 1857. 24 p. 1857

Ms. 679

Abstract. Mind of Lord.

2/12 June 1857.

Declining to forward
the Memorial of Dr. Rogers
and Dr. Rogers to the
Court of Directors.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	679	Press
	7-8	~~Mis.~~
Dated	12-6	19-1857

Not to be folded or roughly handled

679

No. 7. Read the following papers.

TO THE HONORABLE THE COURT OF DIRECTORS.

The most humble Memorial of Bagavan Doss
Bavajee, Byraggy, Appellant in Appeal Suit
No. 195 of 1852, on the file of the Subordinate
Court of Chittoor, and Special Appellant in
Special Appeal Suit No. 434 of 1856.

HUMBLY SHEWETH,

With every sentiments of profound respect and submission, your Memorialist (a poor Byraggy) most humbly and respectfully takes the liberty of laying before your Honors his injured case passed by the Judicial authorities, in the sanguine hope of obtaining the administration of justice from your liberal hands.

1. The deceased Nabob Mahomed Ally Khan Bahder of Arcot, during his government, about 90 years previously, granted to your Memorialist's great grandfather Samul Doss, certain portion of lands Enam for building Byeraggy Mutt or Convent, who at the expenditure of a considerable sum of money erected the Mutt, shops, &c. thereon, and enjoyed it, after him your Memorialist's father enjoyed the premises, which on his death your Memorialist hereditarily continue to enjoy, and also the registry is still now made in your Memorialist's name by the Circar. Besides this, the heads of Reddy caste people in the said village, in Eazaree 1209, have given up certain portion of land for the use of the said Mutt in the names of your Memorialist's ancestors, and also executed Enoyetnamah to that effect. While so, the Special Respondent of Totah Pauliem Tanappa Moodelly and others of Vellore had with the consent of his ancestors, built a shop of 2 Ankanams, valued at 20 Rupees on the latter mentioned ground, and continued regularly to pay the rent to your Memorialist's father, and then to your Memorialist up to the 1st June 1850, but the said Tanappa Moodelly, on the 2nd of the same month, attempted to dispossess your Memorialist of the land aforesaid. This your Memorialist came to understand, and sued him in No. 303 of 1851, before the District Moonsiff to recover from the Respondent the said piece of ground, and also the sum of Rupees 3 on account of the rent of the said ground, but this officer admitted the false assertion of the Special Respondent that he had without Document purchased the disputed land from some individual, saying that the evidence adduced to by him was satisfactory to him, without examining your Memorialist's witnesses who have kept shops thereon, and his Documents and passed a Decree in his favor.

2. Against this decision, your Memorialist made an Appeal in No. 195 of 1852, in the Civil Court, filing in the said documents, even that the Civil Judge without perusing them confirmed the award of the Moonsiff, declaring that your Memorialist's claim is false, and fined him in 15 Rupees.

3. Against these unjust proceedings your poor Memorialist preferred a Special Appeal Petition to the Court of Sudr Udalut in No. 434 of 1856, but that higher Court passed an Extract under date the 6th November 1856, rejecting the Special Appeal Petition stating that the decisions of the lower Courts have been passed upon appreciation of evidence, and hence no legal grounds exist for the admission of a Special Appeal without observing the merits of this case, and seeing reasons of the Respondent's possession and enjoyment of the land in question, and also he failed not to present a Review Petition to that Court according to the customs of the Court, for which the said higher Court passed another Extract under date the 19th February 1857. These both documents are herewith submitted for the perusal of your Court, marked C and D together with the Original and Appellate Decrees marked A and B.

4. Whereupon, your poor Memorialist submitted a Petition to the Government against the Decrees aforesaid, who as usual returned the said Petition to your poor Memorialist under para. 9 of the Petition Rules. Your poor Memorialist begs leave your Honors to submit for your perusal the Decrees of the Original and Appellate Court A and B and the said 2 Extracts C and D of the Court of Sudr Udalut and also the Petition E forwarded to Government together with the translation of the title-deed of the ground under dispute No. 44, produced in the Original Court. If your Honors would be so just and kind to peruse the aforesaid documents, your