M.R.O. 1—38,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1636 Press
10-11 Mis.

Dated 18-11- ~~19~~ 18.8

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, **23***rd November* 1858.

No. 10. Read the following Extract Minutes Consultation in the Military Department, dated 29th October 1858, No. 3888.

Requesting the Government Pleader to state whether any means can be adopted for staying proceedings on the award illegally passed in the suit of Boodoo Beebee, pending the decision of the Court of Sudr Udalut on the Appeal. } (Vide Military Consultation, 29th October 1858, Nos. 230 and 231.)

No. 11. ORDER THEREON, No. 1636; dated 18th November 1858.

To be recorded.

(Signed) W. H. BAYLEY,
Acting Secretary to Govt.

Exd. F. Cartledge.

No. 3888.

Extract from the Minutes of Consultation, 29th October 1858.

Read Extract from the Minutes of Consultation, Judicial Department, under date the 19th October 1858, *No.* 1477.

Read the following letter from Government Pleader, Sudr Udalut; to Chief Secretary to Government, dated 7th October 1858, *No.* 117.

Para. 1. In continuation of the letter, I had the honor to address to you under the date and number noted in the margin, I now have the honor to report for the information of the Right Honorable the Governor in Council, that the Judges of the Court of Sudr Udalut have this morning intimated that Boodoo Beebee having been cast in the Courts below, the only way in which she can obtain, or the Sudr Udalut grant, redress is by a Special Appeal.

4th October 1858, *No.* 116.

2. I submitted to the Court the desirableness of issuing a Circular Order to the Judicial authorities in the Mofussil, drawing attention to the Regulation and this infringement of it, shewing that cases of this nature affected parties in a situation of life who could but very ill afford to meet litigations. Their Honors however declined to do so, observing this was quite an isolated case, that they could not suppose so egregious an error was likely to arise again, and that by issuing such a Circular Order as I suggested, it would be casting an imputation on the other Judges.

Order.—Resolved that copy of the above letter and of the previous letter and order* of Government thereon, be communicated to the Military Department in reference to Extract Minutes Consultation, 23rd ultimo, No. 1297, and in view to Boodoo Beebee being directed to prefer a Special Appeal to the Court of Sudr Udalut against the Decree of the Nelliyambalam Moonsiff and Civil Judge of Tinnevelly.

6th October 1858, *No.* 1382.

Under the circumstances the Appeal should, the Government think, be prosecuted at the public expense. As the most convenient course, the Government Pleader will communicate with Boodoo Beebee through the Officer Commanding Palamcottah and will instruct her as to the mode that she is to pursue for proceeding with the Appeal.

(True Extract & Copy.)

(Signed) T. PYCROET,
Chief Secretary.

Extract from the Minutes of Consultation, Judicial Department, under date 6th October 1858, *No.* 1382.

Read the following letter from Government Pleader, Sudr Udalut; to Chief Secretary to Government, dated 4th October 1858, *No.* 116.

Para. 1. I have the honor to acknowledge receipt of an Extract from the Minute of Consultation noted in the margin; and to report for the information of the Right Honorable the Governor in Council, that I this morning handed to the Judges of the Court of Sudr Udalut that Extract, and moved that their honors would be pleased to pass such orders on the subject there referred to as they might see fit. Their honors intimated that they would consider the subject.

Minute Consultation, 23rd September 1858, *No.* 1297, *Judicial Department.*

2. I would however mention that in my opinion the Court of Sudr Udalut is not likely to interfere in the particular suits (Original and Appeal) referred to in that Minute of Consultation on my application. They may feel themselves at liberty to issue a Circular Order drawing attention of Judicial Officers to the Regulation in question, and noticing this infringement of it, but I am of opinion, that unless Boodoo Beebee herself (in person or by Vakeel) moves the Court, no relief from the order passed by the Civil Judge of Tinnevelly will be afforded to her.

3. I would therefore suggest for the consideration of His Lordship in Council, the propriety of Boodoo Beebee being informed, that she should present through her Vakeel a Special Appeal

Petition (if she has not already done so) from the Decree passed by the Civil Judge of Tinnevelly in A. S. No. 2 of 1858. The time for appeal I observe, expired so far back as the 10th of June last, but (if a petition has not been already presented and in due time) the Court may see cause for admitting a Special Appeal, notwithstanding the time has expired.

Order.—The Government Pleader will advise the Government of the orders which may be passed by the Sudr Court on his application, when the matter will be further considered.

(True Extract & Copy.)

(Signed) T. PYCROFT,
Chief Secretary.

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1. Communicated to the Commander-in-Chief.

2. The Government Pleader is requested to state whether any means can he adopted for staying proceedings on the award illegally passed, pending the decision of the Court of Sudr Udalut on the Appeal.

(True Extract & Copies.)

H. Marshall Lowndes
Dy. Secretary to Government.

To the Adjutant General.
„ Governmnent Pleader.
„ Judicial Department. *With 3 spare Copies. Recd 8th Inst.*

Exd. R: Spears.

C 28th Sept. 1858 Vol 4 & 10
C 12th Oct. n — Vol 142
C 19th Dec. n — Vols 4 & 10
C 5th Jan. 59 n — Vol 1529

h. Dy. Mons. 23d. November
Judicial. 1858. Departt.

Extract Minutes of Consultation
for the Military Departt
3889.

2/29 Oct
2/8 Nov/58.

Fort St. George 1st March 1859 No 288 Judl

29.2.13.
38 spare copies.

Requesting the Govt Pleader to
state whether any means can
be adopted for staying pro-
ceedings on the award illegally
passed in the suit of Poodoo
Seebee, pending the decision
of the Court of Sudder Adalut
on the Appeal.—

No. 1636.

Vol. Recorded

18 Nov/58. W K B

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