

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	46	Press
	13-14	Mis.
Dated	9-1-	19-10-28

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 12th January 1858.

No. 13. Read the following letter from H. D. COOK, Esq.; Civil Judge of Calicut; to T. PYCROFT, Esq., Chief Secretary to Government in the Judicial Department, Fort St. George, dated 10th December 1857, No. 708.

SIR,

I have the honor to transmit for the information of the Right Honorable the Governor in Council, in conformity with Section XXXI, Regulation VII, A. D. 1809, copy of a Decree passed by this Court in Appeal Suit No. 597 of 1856, in which the Head Assistant Collector of Malabar was a party.

(Signed) H. D. COOK,
Civil Judge.

DECREE OF THE CIVIL COURT—ZILLAH CALICUT.

Before the Sudr Ameen of Tellicherry. O. S., No. 69 of 1851.

Before the Civil Court of Calicut. A. S., No. 597 of 1856.

Appellant.

Koyally Chandoo:

Respondents.

Versus. { 1 Kambyl Ramen.
2 H. E. Sullivan, Esq., Head
Assistant Collector.
3 R. K. Puckle, Esq.
Vakeel.
Amboo Podwall.

1. This is an appeal from the Decree of the Principal Sudr Ameen of Tellicherry dismissing the plaintiff's suit for the restoration of Paramba alleged by him to be the jenm property (proprietary right) of his Tarward since 874 (1699.)

2. The Paramba was made over to the 2nd defendant by the Circar when waste, and it appears the plaintiff interfered with the defendant when making improvements, a Police case ensued, which ended in the rejection of the plaintiff's jenm right. He sued and filed an old jenm deed and supported it by 3 witnesses. These witnesses' statements as also the document were rejected by the lower Court.

3. In appeal he urges that his jenm right was proved both by the deed filed and the witnesses that the cause assigned by him for the Paramba being waste for so long was correct viz., that for long period the only members of the Tarward were women.

Judgment.

4. The 3rd Respondent answers that the document is a false one and got up by the plaintiff, that the Circar documents prove that the land is the jenm of the Circar.

5. It does not appear that the plaintiff ever laid claim to a jenm right over the Paramba until the 2nd defendant proceeded to cultivate the same after having obtained it on Cowle from the Circar, although the plaintiff pleads it has belonged to his Tarward since 874 (1699). He supports his case by filing an old document, but the document does not show the name of the Paramba, the same having become mutilated, neither is there any proof of an admissible nature that the document is a genuine one. As to the statements of the witnesses to the authenticity of a document of this nature no reliance of course could be attached and the plaintiff's witnesses merely depose upon hearsay.

6. The Court sees no grounds whatever for sustaining this appeal, it consequently affirms the original decree and dismisses this appeal with costs against the appellant.

Costs.

Stamp duty on institution under Sec. XIII, Reg. XIII of 1816.....	1	0	0
Fee of 3rd Respondent's Pleader under Sec. XXV, Reg. XIV of 1816.....	0	12	10
Value of stamp paper filed by appellant.....	4	0	0
Ditto ditto by 3rd Respondent.....	9	0	0
Expense for serving process on the part of appellant.....	1	8	0

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Plaintiff's costs in the Original Suit.....	14	8	0
1st, 3rd and 4th Defendants' ditto.....	11	12	0
2nd Ditto ditto.....	7	8	10
	33	13	8

Total Costs Rupees..... 50 2 6

Given under my hand and the seal of the Court, this 30th day of October 1857.

(Signed) H. D. COOK,
Civil Judge.

No. 14. ORDER THEREON, No. 40; dated 9th January 1858.

This suit was tried in original, it is observed, by the Principal Sudr Ameen. This is contrary to the ruling laid down in the Circular Order of the Sudr Udalut, No. 115 C.—and the attention of the Civil Judge and Principal Sudr Ameen should be called to this irregularity through the Court of Sudr Udalut.

(Signed) T. PYCROFT,
Chief Secretary.

*Principal Sudr Ameen
ought not to have
been the Judge
in this case
as the case was
tried in original
by the Principal
Sudr Ameen
and the Civil Judge
should have been
called to the attention
of the Court of Sudr
Udalut
and the Principal
Sudr Ameen should
have been called to
the attention of the
Court of Sudr Udalut
and the Civil Judge
should have been
called to the attention
of the Court of Sudr
Udalut*

*clg Dear
Secretary
13*

*In Dy to Cons. 12th Jan
Judicial. 1857. Sept.*

From

*The Civil Judge of Calicut
To The Chief Secretary
to Government
in the
Judicial Department
Fort St George*

*Dated 10th } December 1857
Recd. 17 }*

*Enclosure 1.
No. 2088. 80708*

*Transmitting copy of
a Decree passed by this
Court in Appeal suit
No. 597 of 1856 in which
the Head Assistant Col.
lector of Malabar is a
party*

To be lodged

*through the Court of
Sudr Ameen*

1857

Judicial Dept

No 110

Wm. J. 5/9 January 1858.

Read the following letter } here entered
from the Civil Judge of Calcutta. } No 708
5/10 Decr 57.

A.
G. J.

M. J.

W. M.

This suit was tried, in origi-
nal, it is observed by the Judge
Ames - This is contrary to
the ruling laid down in the
C. O. of the Judge Calcutta No.
115. C. - and the attention
of the trial D. C. 5/1-58
Judge P. Ames 1st
is called to this irregularity
through the Court of
Superior Administration

To the Civil Judge Calcutta 18th

In Dy 25 June 12th Henry
Judicial 1858 de parat

28210

Extracte Monir: of parat

219 January 1858.

219 118.