

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	129-130	Press
		~~Mis.~~
51-53		
Dated	1-2-1918	

Not to be folded or roughly handled

129-130

Fort St. George, Judicial Consultation, 1st February 1859.

No. 51. Read the following letter from C. F. CHAMIER, Esq., Acting Register to the Court of Sudder Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 19th January 1859, No. 7.

SIR,

1. The Judges of the Sudder Udalut are desirous of suggesting to Government the expediency of modifying the law at present regulating the fees of Pleaders engaged upon "Special Appeal Applications," "Petitions of Review," and "Miscellaneous Petitions," arising out of causes or matters before the Court; and they would embrace the opportunity of doing so while the 'Code of Civil Procedure' is still before the Legislative Council, as it may be deemed convenient to insert therein some provision on the subject.

2. By Section VII, Act I of 1846, if costs be awarded in such cases, it entails upon the losing party the burden of paying, in the shape of fee, to the Pleader on the opposite side, should one have been employed, one-fourth of the amount payable in a regular suit; thus such fee might amount to Rupees 250, while the service rendered, though necessary, would manifestly be amply remunerated with one-tenth of such amount, or less. This has led to a practice of refusing costs in such cases, rather than impose so heavy a tax upon the losing party; although such mode of avoiding the difficulty is often felt to be hard upon the successful party, who ought to have his reasonable expenses defrayed.

3. Upon the new Code of Procedure becoming law, the distinction now existing between 'Petitions for admission of Special Appeals' and 'Special Appeal Suits' will cease; so that the remedy now sought will not be needed in that case; but in respect of Petitions for Review and other Miscellaneous Petitions, the Judges would suggest that the present law be modified, by enacting "that when costs are awarded in such cases the amount payable on account of Pleader's fee be determined and certified by the Court at its discretion, provided that it shall in no case exceed one-fourth of what it would have been in a regular suit decided on the merits."

No. 52.

ORDER THEREON, No. 129; dated 1st February 1859.

Resolved that the foregoing letter be communicated to the Member for Madras of the Legislative Council, in reference to the letter to his address under date 21st December last, No. 1771, and that he be informed, that the suggestion of the Court of Sudder Adawlut appears to Government to be a valuable one and they trust that it may be acceded to.

(Signed) T. PYCROFT,
Chief Secretary.

Ordered that the following letter be despatched.

No. 53. To H. FORBES, Esq., Member for Madras of the Legislative Council of India, dated Fort Saint George, 1st February 1859, No. 130.

SIR,

In reference to my letter to your address, No. 1771, dated 21st December last, I am directed by the Right Honorable the Governor in Council to forward to you the accompanying copy of a letter from the Register to the Court of Sudder Udalut, communicating a suggestion of the Judges relative to the law at present regulating the fees of Pleaders engaged upon "Special Appeal Applications," "Petitions of Review," and "Miscellaneous Petitions."

2. I have also to add that the suggestion of the Court of Sudder Udalut appears to Government to be a valuable one, and they trust that it may be acceded to.

(Signed) T. PYCROFT,
Chief Secretary.

Edw. F. Cartledge.

No 129.

At
Wk.

Resolved that the foregoing
letter be communicated
to the Member for Madras
of the Legislative Council
in reference to the letter to
his address under date 21
Dec Last - No 1771 - and
that he be informed that
the suggestion of the Council
of Judge Adair appears
to fall to be a valuable one
and they trust that it may
be acceded to

Office -
Letter No. 20
soon.
Fort George?
1st February 1895

Judge Adair. Supd. H. J. P.

Disptd 3d for H. S.

Judicial Department.

No. 130.

H. Forbes Esq.
Member for Madras of the
Legislative Council for India.

Sir,

In reference to my letter to
your address No. 1771 dated
21st December last, I am
directed by the Right
Honorable the Governor in
Council to forward to you
the accompanying copy
of a letter from the Registrar
to the Court of Sudder Uda-
lut communicating a sug-
gestion of the Judges rela-
tive to the law at present
regulating the fees of
pleaders engaged upon
"Special Appeal Applica-
tions," "Petitions of Review," &
"Miscellaneous Petitions."

No. 7. Dated 19 Jan'y. 1859.

2. I have also to add that
the suggestion of the Court
of

of Sudder Udalut appears
to Government to be a va-
luable one, & they trust
that it may be acceded
to.

Thos George
1st February 1854.

[Signature]

Sudder Udalut to follow - 12/-

[Faint handwritten text]

[Faint handwritten text, likely bleed-through from the reverse side]

[Faint handwritten text and markings on the right page]

Communicating the
question of the sudden
refugees of Pleaders in
certain Appeals.

Encls. 2/25/87
1/3

Not to be a valuable one,
and they must find it
any be needed to.

51/53.

In Com: 1st February.
Judicial 1859 de part

28/130.

To
The Member for the District
of the Legislative Council
of India

21 February 1859.
STPAOS.

Forwarding in reference
to letter to his address of 27 Dec
last No 171. copy of a letter
from the Registrar to the Court
of Judges. What communication
being a suggestion of the
Judges relating to the Court
at present regulating the
fees of Pleaders engaged
upon special appeal.
Applications & and
stating that the suggestions
of the Judges appear to
be reasonable.