M.R.O. 1—20,000—16-10-59.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1233 Press
~~His.~~

168-69

~~68-169~~

Dated 25-9-1860 ~~19~~

415

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
25th September 1860.

No. 168. Read the following Memorandum:—

MEMORANDUM.

The Registrar of the Sudder Court has the honor to forward 3 copies of the Circular of the Judges, under date the 20th instant, on the subject of Act VIII of 1859, as desired by the Proceedings of Government, dated 5th October 1859, No. 1,354.

(Signed) C. F. CHAMIER,
Registrar.

SUDDER COURT,
21st September 1860.

To the Chief Secretary to Government.

No. 169. To the Secretary to the Government of India, dated Fort Saint George, 25th September 1860, No. 1,233.

In continuation of my letter of the 22nd ultimo, No. 1,144, I am directed to forward, for submission to the Government of India, copy of a Circular issued by the Sudder Adalat, in respect to Act VIII, 1859.

Proceedings of the Sudder Court, 20th September 1860.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

CIRCULAR.

Proceedings of the Sudder Court, 20th September 1860.

d letter dated the 27th ultimo, from the Civil Judge of Chicacole, pointing the construction of Section 346, Act VIII of 1859, circulated by the Sudder the 22nd June 1860, will operate to the serious disadvantage of the appel- certain cases which he has referred to the Subordinate Judge of Chicacole patam for disposal; and suggesting that as they had been pending for some ious to the introduction of the new Procedure, they should be decided with- to the appellants, and that the appeals should not be liable to dismissal for on the non-appearance of the appellants.

The Judges observe that the notice issued under Section 346 is to the nt only. Appellants are required to take notice of all orders of the Court tes for the hearing, or adjourned hearing, of appeals, without being served process.

It is no where laid down that notice of the day fixed for the hearing of the all be affixed in the Appellate Court immediately upon the appeal being d, and while the appellant may be presumed to be still in Court; but the afer that such was intended; the date being fixed according to the state of and the hearing being afterwards adjourned, if necessary, to a subsequent he appellants have thus the means of knowing the time when their appeals eard.

Under the former practice, however, no such information was afforded nd the Judges consider that the application of the provisions of Section appeals which were pending when the Act came into operation, would the appellants of the right which they possessed under the old law of having ent given upon the merits of the appeal in their absence.

The Court accordingly resolve to cancel their construction of the 22nd st, and to direct that appeals filed prior to the 1st of January 1860 be dealt der the law then in force.

(True Extract).

C. F. CHAMIER,
Registrar.

The

Encd 2 p.s
2 copies of Circ.

No. 233.

The Secretary to the
Govt. of India.

Sir – In continuation of my
letter of the 22nd ulto. No. 1,144 to
I am directed to forward
for submission to the Govt
of India, copy of a Circular
Proceedings of the Law issued
Madras Sudder Court, 20th by the Sadder
Sept. 1860. Adalat in
respect to Act VIII – 1859.

Fort St. George,
25th September, 1860.

