Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1092

Dated 21st May 1895

INDEXED.

[Despatch Abstract.]

CIVIL JUSTICE.

Recording letters from Collectors of certain districts explaining the delay in the disposal of the contested and uncontested suits noticed by Government in its review on the Civil Administration Report for 1893, with the remark that special attention should in future be paid to the speedy disposal of revenue suits

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

6234

Jud Dept

From

J. Hewetson Esquire
Ag Collector of
Cuddapah

To encl. of the G.O. (not avble now)

The Secretary to Govt.
Judicial Department
Fort St. George

For orders

Dated 20
Despd 21 } November 1894
Recd 23rd

D.S. Reg No 23/11 1068 / magil 94

Subject.

Reporting about the delay in the disposal of uncontested suits referred to in para 3 of G. O. No: 2338 & 2339 dated the 26th September 1894.

L a copy of civil justice Report please DS 27/11

The others of Dists have not replied - Lie over till others reply
SG 30/11

UNDER SECRETARY
23 NOV 94
PUBLIC ETR DEPT.

Disposal No $\frac{1000}{\text{wajib}}$ Cuddapah Collector

Dated 20th November 1894.

From

J. Hewetson Esquire,
Ag Collector of
Cuddapah.

To,

The Secretary to Government
Judicial Department
Fort Saint George.

Sir,

With reference to para 3 of G.O's nos 2338 and 2339 dated 28th September 1894 Judicial, calling for explanation as to the delay in the disposal of uncontested suits, I have the honor to state that out of the 39 suits shown in column 12 of the Annual statement no IX Part I(a), 18 were filed on the same day i.e. 7th June 1893 – The defendants in 17 of these suits expressed their willingness to abide by the decision of the remaining suits on its merits. The plaintiff in the suits having agreed to this suggestion, the hearing of the suits was adjourned to 4th September 1893 – The defendants however failed to appear on that d[ay] and the suits were decreed exparte –

Seems to be the statement sent to the High Court.

2 – As regards the remaining 22 suits sho[wn] in Column 12, as well as those shown in columns 1[1] and 13 of the same statement, the disposal wa[s]

servant

for. Ag Collr

required time to compromise with the defendants.

I have the honor to be
Sir
Your most obedient Servant
J Kerwin
Ag Collector

No: 1460.

3" December. 9

From

A. R. Cumming Esquire
Ag. Head. Asst: Collector
South Arcot.

To

The Collector of
South Arcot.

Sir,

With reference to your Ref-on. 4460/Ver dated 19th November last. I have the honour to state that the uncontested suit stated to have been pending for 117 days was filed on the 1st June 1893. The plaintiff was ordered on the 16th Idem to pay process fees and the case was posted for 10" July. Parties not appearing, it was again posted for 15" September; it was heard on the 16" idem and adjourned to 27th on which date it was disposed of.

I have &c
(Sd) S. G. Roberts.
for. Ag. Head Asst: Collector

/ True Copy /

South Arcot Collector's office
Camp Tirukoilur.
10" December 1893

for. Ag. Collector.

for. Ag. Colle

uired time

189 4
Jud Dept.
Enclos. No. 1
To
C. No. 671

South Arcot

No. 1043
Ver

CURRENT No. 671

Collector's office
Camp Tirukkoyilur
10th December 1894.

From

A. E. Castle Stuart Stuart Esquire
Ag. Collector of
South Arcot.

To

The Chief Secretary to
Government
Judicial Department.
Madras.

Sir,

With reference to para 4(3) of Government order dated 26th September 1894, No: 2338 Judicial, calling for an explanation of the delay in the disposal of uncontested suits, I have the honour to state that there was in this District only one such case which took 117 days in disposal. I submit herewith copy of the Head Assistant Collector's letter dated 3-12-94, No: 1460 explaining the delay. The explanation is not satisfactory but the present Head Assistant Collector was not responsible. I have directed all my Dl: officers to see to the speedy disposal of such suits in future and hope that such delay will not recur.

I have the honour to be
Sir
Your most obedient servant

for. Ag. Collec

CURRENT 1894. No. 6711

Judicial Department.

From

The Collector of
South Arcot.

To

The Chief Secretary
to Government
Madras.

Dated 10th
Despatched "
Received 16
} December 1894.

Recd 17th

DESPATCHED.
14 DEC. 94

No. 1063 / Ver

Enclosure. (one).

Subject.

Submitting explanation for the delay in the disposal of one uncontested suit shown as disposed of in the return for 1893.

UNDER SECRETARY 16 DEC 94 ... DEPT.

Judl.

1894
CURRENT No. 6756

Judl Dept

From,

THE COLLECTOR,
KISTNA DISTRICT.

To,

THE Chief SECRETARY TO GOVERNMENT,
Judicial DEPARTMENT.
FORT St. GEORGE.

Dated 9th December 1894

Despd:

DESPATCHED
14 DEC. 94

Recd: 18/12

Dis No. 1387
English

CHIEF SECRETARY GOVERNMENT OF MADRAS

Enclosures. nil

Subject.

Explaining the cause of pendency of uncontested suits disposed of during 1893 as directed in G.O. Nos 2338, 2339 dated 26th September 1894.

C.S.

Noes
R.

Recorded with the remark that the explanat… offered for the delay are not altogether satisfactory.

H.
9/5/95

To the Dt. ~~Magistrate~~ Collr, Kistna ([illegible])

6718/56

No.
OFFICE
OF THE
COLLECTOR & MAGISTRATE,
MASULIPATAM,
KISTNA DISTRICT.

9th December 1894.

From,
J. N. Atkinson Esquire,
Acting Collector, Kistna District.

To,
The Chief Secretary to Government,
Judicial Department,
Fort St. George.

Sir.

Referring to the remark contained in G.Os. Nos. 2338, 2339, dated 26th September 1894, Judicial, para 4, calling on me for an explanation as to the cause of delay in the disposal of uncontested suits in 1893, I have the honor to report that the delay occurred with the Head Assistant Collector, Head Quarters Deputy Collector and Assistant Collector who ascribe the following reasons for it.

2. The Head Assistant Collector was incharg of the Sub Division for two months.

3. The Head Quarters Deputy Collector reports that the Jamabundy of the Bandar and Gudivada Talugs and Abkari sales, not to speak of protracted enquiries in contested suits, stood in the way of early disposal of the suits in question.

4. The Assistant Collector was under survey training in October and November, and acted as Superintendent of Special Test Examinations in the former month.

I have the honor to be,
Sir,
Your most obedient Servant,

J M Hughes
For Acting Collector 13/12

800—10-7-94.

Salem Collector's Office,
21st December 1894.

No. 3880

From

G. STOKES Esq.,
Collr. & Dist. Magte. of Salem.

To

The Chief Secretary to Government,
Judicial Department,
Madras.

SIR,

Referring to para 4 clause (3) of Government Order No. $\frac{2338 \,\&\, 2339}{\text{Judicial}}$, dated 26th September 1894, calling for an explanation for the delay in the disposal, during 1893, of certain uncontested suits in this District, I have the honor to state that the average duration of more than 2 months occurred only in the Courts of the Head Quarters Deputy Collector and the General Deputy Collector.

2. The former Officer explains that the delay was owing to the plaintiff in Suit No. 3 of 1892 having since changed his place of residence and the consequent difficulty in the service

CURRENT NO. 6846
Jud Dept

Revenue **Department.**

From the Collector

and District Magistrate,

Salem.

To The Chief Secretary
to Government
Judicial Department
Madras

Dated 21st }
Despatched 22nd } December 1894
Recd 23-12-94
Regd 24 **No.** 3880

UNDER SECRETARY
23 DEC 94
PUBLIC FTG DEPT

Subject. Jud

Submitting explanation for the delay in the disposal, during the year 1893, of certain uncontested suits referred to in Government order Nos. $\frac{2333 8 + 2339}{\text{Judicial}}$, dated the 6th September 1894

~~R. / no / 1/12~~

~~Recorded~~

~~9/1/95~~

of the notice on him. The Suit was adjourned thrice and even when the 3rd notice was served on him, the first two notices having been returned unserved, he failed to appear; the Suit was dismissed for the default.

3. The General Charge Deputy Collector attributes the long duration to the fact that 18 Suits, of the Kumaramangalam and other mittahs, which were taken on file in January 1893, had to be adjourned till December pending the appointment of a guardian by Civil Court to the minor Joint Proprietor.

4. I have issued instructions to these and other Divisional Officers to dispose of Suits on their files with more promptitude.

I have the honor to be
Sir
Your most Obedient Servant
Ramanathaiyar
for Collector

Copied
22.12.94

Examined

1894. CURRENT NO. 6895
Jud Dept

From J. Andrew Esq.
Ag. Collector of
Trichinopoly

To

The Chief Secretary
to Govt., Judicial Dept.
Madras.

Dis. no. $\frac{2980}{\text{Judl}}$ of 94.

Dated 19th }
Despd. 25 } December 1894.
Recd. 27 }
Regd 28 Encls.

Explaining the delay in the disposal of the Uncontested and Contested Suits noticed by Government in its review on the Civil Administration report for 1893.

CHIEF SECRETARY
27 DEC 1894
GOVERNMENT OF MADRAS

C.S.

order
R.

The Govt. agrees with the ~~D. Magistrate~~ Collr. in considering that the explanations offered for the ~~[illegible]~~ delay are not satisfactory.

Ht.
9/1/95
To the ~~D. Magistrate~~ Collr., Trichy (O+R)

6895

Trichinopoly Collector's Office
19th December 1894.

Dis. No. 2980 of 94.
Index Despd 25-12-94

From J. Andrew Esq.
Ag. Collector of Trichinopoly

To The Chief Secretary to Government,
Judicial Department,
Madras.

Sir,

Adverting to clause (3) of para 4 of G. O. No. 2338 Judicial dated 26th September 1894 calling for explanation of delay in the disposal of both the uncontested and contested suits, I have the honor to report as follows:-

2. As regards the delays of more than 2 months in the disposal of uncontested suits, the Head Assistant Collector says that the delays were due partly to the dilatoriness of plaintiffs in paying process fees and partly to pressure of Jamabandi work, while the General Dy Collector, Ariyalur attributes the long duration to his having given reasonable time to parties in fixing the 1st date of hearing and to his having adjourned the hearing in some cases at their request. The Head Quarter Dy Collector says that the 7 suits return in his annual statement as "uncontested" were actually "contested" and that the distinction between "contested" and "uncontested" was not properly understoo

1.3.95

in his office prior to the receipt of High Court's Circular No. 858 D/ 19-3-94.

File with [illegible]

3. As regards the average duration of a Contested suit exceeding 100 days, all the Divisional Officers say that the Jamabandi in addition to other work stood partly in the way of rapid disposal of the suits and that in some cases adjournments had to be granted owing to the absence of parties.

4. The explanations are not satisfactory, and are only such as might be made in every district. I hope that the Divisional Officers will be more prompt in future.

I have the honor to be,
Sir,
Your most obedt. Servant,

For Ag. Collector
25/12

CURRENT No. Judicial 215

From the Collector of
Nellore.

Jl. Dept

To

The Chief Secretary to Government, Judicial department, Madras

Dated 15 January 1895

No. 82 Recd 19/1/95
V.

CHIEF SECRETARIAT
19 JAN
GOVERNMENT OF MADRAS

Subject.

Explaining delay in disposing of certain uncontested suits delayed for more than two months in the district.

[Eng.; 21-7-93.]

NELLORE COLLECTOR'S OFFICE,
15th January 1895.

No. 82/Ver

From J. H. Wynne, Esquire,
Collector of Nellore.

To the Chief Secretary to Government,
Judicial Department,
Madras.

Sir,

With reference to paragraph 7, Sub para (3), para 4 of G. O No. 2338 ~ Judicial, dated 26th September 1894, I have the honor to append below a table showing the uncontested suits delayed for more than 2 months in this district together with explanation of delay.

	No of suits.	
Sub Collector.	2.	One of the suits was disposed of in 41 days and needs no explanation. The other was filed on 7th January 1893 ~ and the process fees filed on 7th February 1893. The Defendant's answer was not filed till 31st March 1893. Then the case was posted for hearing on the 25th May 1893 and disposed of on the next day. The delay in posting the case, i.e. from 31st March to 25th May was due to the change of officer

[Eng.; 8-7-94.]

1.3.95.

	No. of suits.	
		and to jummabhundy work.
Head Asstt. Collector.	1.	This was disposed of in 41 days and needs no explanation.
Dy Collector Naidupett.	51.	Of these 11 Suits were disposed of within two months. The remaining 40 Suits were Connected Suits filed in the middle of August 1893 and disposed of on 16th December 1893. The delay was due to grant of long adjournments at the request of the parties to enable them to settle the suits amicably which settlement was finally effected.
Head Quarter Dy Collector.	1.	This was filed in the middle of March 1893 and posted for hearing and disposed of on the 13th June 1893. This Could not be posted earlier owing to Jummabhundy work

I have the honor to be
Sir,
Your most Obedt. Servant

[illegible] Naidu
T. D. Collector,
for Collector.

1571.

No. 32 / Exy.

429 Tanjore Collector's office
26th January 1895

From,
J. Thomson Esquire
Acting Collector of
Tanjore

To,
The Honorable Mr J. F. Price
chief Secretary to Government
Judicial Department
Madras

Sir,

In para 4(3) of G. O dated 26th September 1894 No. 2339, Judicial, Government desires to have an explanation for the pendency of (1) Uncontested Suits for over 2 months and (2) of contested Suits for over 200 days in Some of the Revenue Courts of this District. In compliance with this requisition I have the honor to submit the following explanation.

apparently a stall [illegible] to [illegible]

2. From Statement No. IX Part I(a) for 1893, it is

C.X. 1.3.95.

is seen that the uncontested suits had remained on file for more than 2 months in the courts of the Sub Collector and Deputy Collectors of Pattukkottai and Tanjore Divisions; and contested suits had remained on file for more than 200 days in the latter two Courts only. Vide margin.

Courts	No. of uncontested suits	Duration of pendency Days	Contested suits. No.	Duration of pendency Days
Sub Collector	23.	110	219	110
Deputy Collector Pattukkottai Division	28.	560	93	480
Do. Tanjore Division	16.	178	45.	214

3. In the Sub-Collector's Court, the 23 uncontested suits formed a batch of suits from Kadiramangalam Inamdars filed on the 4th July 1893 and disposed of on 23rd October 1893 along with the contested suits appertaining to the same village which were filed on the 4th and 31st July 1893 and disposed of on the 23rd October and 6th November 1893. These uncontested suits were kept on file till the contested suits were fully heard and determined, the points for decision in both sets of cases being the same. As regards the contested suits the Sub-Collector states that "Suits involving the "same question come up again and again every "year and the suits of one year have in many "cases to be kept undisposed of both in the "interests of justice and at the request of both "parties pending the decision of the Appellate "Courts - the District Court and in some cases the "High Court on 2nd appeal".

4. In the Pattukkottai Division Deputy Collector's Court, the delay in the disposal of contested as well as uncontested suits is attributed to the following causes, viz,

(1) Examination of Shavi fields during the 1st quarter - February and March 1893.

2) Jamabundi work in April and May 1893 in the 2nd quarter

(3) Absence of the permanent incumbent on 2 months' privelege leave from 16th October 1893; and

(4) charge of the Huzur Treasury in addition to the Division work and trial of an important criminal case during the 4th quarter. In 1893, the shair examination work was no doubt heavy in Pattukkottai Taluk (the remission sanctioned in that year for that Taluk alone being Rs 15,500 against Rs 29,000 for the whole week District) and the Jamabundi had in consequence engaged the Deputy Collector up to 21st May 1893.

5 The delay in disposal in the Tanjore Deputy Collector's Court is said to be due to the comparatively heavy file of magisterial cases and o the trial of Prandai riot cases referred o in the correspondence ending with G. O dated 6th November 1893 No 2276 Judicial.

The present Deputy Collector further states as regards uncontested suits "that majority of these suits consist of those decreed and dismissed exparte. In "some cases, there has been long delay in effecting "proper service of summonses, owing to the failure "on the part of the Plaintiff to furnish at the first instance correct information as to the whereabouts "and parentage of the Defendants and owing in "some others to the Defendants being residents of "other Districts and Taluks, which necessitated "the issue of summonses twice or thrice. In some "cases summonses were issued to Defendants "for their appearance on a certain date and "at a certain camp. Subsequently there happened "to be sudden changes of camps and consequently summonses had to be issued afresh

fixing

C.X. 1.3.95

ixing another date and camp for enquiry. In a few cases after lengthened enquiry, either the Plaintiff or the Defendant failed to appear for "some reason or other on the date to which the "suits were adjourned for enquiry and then "the suits had to be dismissed exparte. With "the exception of the abovesaid cases all the other uncontested suits were disposed of then and "there on proof of proper service of summonses, - "wherever the Defendants did not appear on "the date fixed in the summonses," And as to contested suits " a large number of witnesses had to be examined on both sides like "regular suits and documents had to "be sent for from different courts and offices. If on the dates fixed for enquiry into certain suits, the court was engaged in the disposal of magisterial cases, those suits had "had to be adjourned to some other convenient date.

" Sudden change of camps also retarded the speedy "disposal of these suits, as there was no sufficient " time to communicate to the parties concerned the "departure in the programme of movements.

" Moreover there was a heavy file of magisterial "cases in the year under review and a major "portion of the court's time was devoted to their "disposal".

6. I trust that greater despatch in suit business will hereafter be apparent over the District generally.

I have the honor to be,
Sir,
your most obedient servant

For Acting Collector
30. 1. 95

Rs

CA/

C.I.
1.3.95.

Judicial

No. 429

Judl Dt

From

The Collector of
Tanjore

To

The Chief Secretary to Govt
Judicial Department
Madras

Dt 26th January 1895.

Recd 31/1
Regd 1/2 No. 32/Eng

DESPATCHED
30 JAN. 95

Encl nil

JAN. 1895

Subject

Explaining delay in the disposal of Contested and uncontested Suits in the Revenue Courts of the Tanjore District during 1893.

CURRENT No. 690

Judl

FROM

THE COLLECTOR AND
DISTRICT MAGISTRATE,
North Arcot.

To,
The Chief Secretary to Government, Judicial Department, Madras

No. of Enclosures. nil

Letter, dated 9th February 1895.

~~Dis~~ No. 189/Eng of 1895.

~~Recd 18/2~~

19 FEB. 1895

SUBJECT.

Submitting explanation for the delay pointed out in the disposal of uncontested Suits during the year 1893 (vide G. O. no. 2339, of 26th September 1894).

CURRENT No. 670

Dis No. 187 of 1895
Evy

North Arcot Collector's Office,
Chittoor, 9th February 1895.

From
G. F. T. Power Esquire.
ag. Collector and District Magistrate,
North Arcot.

To
The Chief Secretary to Government,
Judicial Department, Madras.

Sir,

I have the honour to reply to G.O. No. 2339 Judicial, dated 26th September last, para 4 (3) Sub para 7.

2. The delay in the disposal of "uncontested" suits occurred in the offices noted below:—

Name of office	Average number of days spent in the disposal of an uncontested suit.
"	
(1) Head Assistant Collector's office	82.
(2) General Duty Deputy Collector's office	228.
(3) Head Quarter Deputy Collector's office	147.

The Head Assistant Collector and the General Duty Deputy Collector state that suits which were contested at the beginning but which were finally compromised were entered in the return as uncontested suits as there is no separate column under the head of contested suits, in the return, wherein
suits

This apparently refers to the returns sent by Collrs to the High Court.

C.S.
.3.95

Suits which were compromised after contest can be shewn separately from those disposed of without compromise after contest. The High Court has, however, since ordered that all suits contested at any stage, though compromised finally, should be entered in the return as contested suits.

3. The Head Quarter Deputy Collector explains that the delay in his office is due to the parties in compromised suits having applied for adjournments, which were granted, and also to pressure of Jamabandy work at the time when the suits were pending.

I have the honor to be,

Sir,

Your most obedient Servant

Ag Collector.

Copied [illegible]

x'd [illegible]

Jud.

996

300—28-9-92.

Jud

From

The Collector of
Chingleput Dt.

To

The Chief Secy. to Govt.,
Judicial Dept.,
Madras.

Dated 27
Desp 28 } February 1895.
Received 28

Regd 1/3

No. 621

CHIEF SECRETARIAT 28 FEB 1895 GOVERNMENT OF MADRAS

Enclosure

SUBJECT.

Submitting explanation of the delay in the disposal of revenue suits in the Chingleput district as required in para 4, clause 3 of G. O., No 2338, dated 26th September 1894.

No. 601

Chingleput District Collector's Office,
Saidapet, 27 February 1895.
Dd 28 d

From

G. T. Forbes Esquire,

Ag: Collector of the
Chingleput District,

To

The Chief Secretary to Government,
Judicial Department,
Madras.

SIR,

I have the honour, as required in para 4, clause (3) of G.O. No. 2338, dated 26th September 1894, to submit an explanation of the delay in the disposal of revenue suits in this district in the year 1893.

2. The Sub-Collector, Mr. Brodie, reports that 77 suits (contested and uncontested) were pending when he took charge of the division in April 1893; his predecessor in office not having been able to attend to them owing to the heavy inspection work entailed by the unfavourable character of the season; and owing to the jamabandi, Mr. Brodie was

C.H. 95

was obliged to postpone the hearing of these suits till July. The hearings were posted for July and August; the final disposal was delayed as, in addition to his own duties, he was in charge of the district in August and September. He explains that he did as much as could be done during the four months of the year, July, October, November and December which were fully at his disposal.

3. The Deputy Collector of Tiruvallur division explains that out of the 59 suits for disposal during the year, 7 contested and 23 uncontested suits were disposed of. The former were filed on the 23rd August 1892 in one batch, posted for hearing on the 6th September 1892 and adjourned thrice, partly at the request of the parties who applied for time for the production of documents and partly pending the disposal of certain similar suits then in appeal before the district court and the result of which was not known till the 24th February 1893. These 7 suits were disposed of on the

16th

16th March 1893. As regards the 23 uncontested suits disposed of, 4 of these were filed on the 26th June 1893, 7 on the 21st August 1893, 7 on the 28th idem and the remaining 5 on the 14th idem. They were posted for hearing on the 15th July, 3d November, 14th November and 11th November 1893 respectively, and dismissed for defaul of appearance on the 6th November, 24th November, 11th December and 28th Novemb respectively, after 2 or 3 adjournments granted partly at the request of the parties, partly pending the disposal of similar suits then in appeal before the district court and partly for reaso which the records of the cases do not show and which the present Deputy Collector cannot, in consequence, explain The Deputy Collector responsible is Dew Bahadur A. Pinto, now in Madra as special Deputy Collector, on compe sation duty, Madras-Bezwada rail

4. The Deputy Collector, Saidapet division, who was not in the divisi in 1893, is unable to account for the

a

obliged to
as the ords of the cases do not furnish particulars, but he believes that the extent of the division, which consisted of two taluqs in the year, may have contributed to the delay. The officer responsible is M. R. Ry. S. N. Ramachandra Ayyar, who is now Treasury Deputy Collector, Cuddapah.

I have the honour to be,

Sir,

Your most obedient servant,

Ag: Collector.

CURRENT No. 1073

Ref. Dis. cur. No. 358 of 95

8 C

Tinnevelly Collector's office.
Dated 2d March ~~February~~ 1895.

From

A. W. B. Higgins Esquire
Ag: Collector of Tinnevelly.

To

The Chief Secretary to Government,
Judicial Department,
~~Local and Municipal Department,~~
Fort St: George.

Sir,

I have the honor, in reply to Memorandum dated 15th February 1895, to report that the call for explanation regarding the delay in the disposal of contested and uncontested suits in the Revenue Courts of the District, referred to in G. O. Nos. 2338 and 2339 Judicial, dated 26th September 1894 was through oversight not noticed. I have, on receipt in this office of the memorandum under reply, called for a report from the Divisional officers and I hope to reply to the reference at an early date.

I have the honor to be,

Sir,

Your most obedient servant

A W B Higgins

Ag: Collector

1-3-95

~~Jud~~

CURRENT No. 1073

Jud

Tinnevelly Collector's office

From

The Collector of
Tinnevelly.

To

The Chief Secretary to Government
Judicial Department
Madras.

Dated 2nd } March 1895.
Received 4

CHIEF SECRETARY 4-III- GOVERNMENT OF MADRAS

Rep. from the No. 355 of 95

Stating that the call for explanation regarding the delay in the disposal of contested and uncontested suits in the Revenue courts of the districts in 1893 has not been ~~noticed~~ and the reply will be sent at an early date.

Jud

CURRENT No. 1481

Jud

From

The Collector
Madura

C.S.

order

R

~~Recorded with the remark that the explanation offered for the ~~delay~~ delay is not quite satisfactory.~~

Dated 21st March 1895
~~Recd 24~~
Recd 24 " Dis No. 916 of 95
Regd 25"

DESPATCHED.
22 MAR. 95

Ord. 9/5/95 Cols.
To the H.S. Inspector, Madura (X 13)

Subject

UNDER SEC. PUBLIC

Submitting explanation for the delay in the disposal of Revenue Suits in the year 1893 te Commiſsioners' report was received somewhat late; this fact and general pressure of work in that office, also account for the long pendency of contested suits.

I have the honor to be,
Sir,
Your most obedient Sᵗ

Acting Collector

M. S.
J. C

N. C. P.—17-11-94.—700

URRENT No. 1400

Judicial DEPARTMENT.

FROM

THE COLLECTOR OF VIZAGAPATAM.

TO

The Chief Secretary to Government,

Madras.

Dated } 21st March 1895.
Received 25

CHIEF SECRETARY
25 MAR 1895
GOVERNMENT OF MADRAS
~~Re. O.~~
Dis. No. 363.

ENCLOSURES.

Subject.

Submitting explanation regarding the delay noticed by Government in the disposal of contested suits under Act VIII of 1865 during 1893.

Department

~~R. C.~~ No. 363
Disposal

CURRENT No. 1488

VIZAGAPATAM COLLECTOR'S OFFICE.
Dated 21st March 1895

From

F. D'A. O. Wolfe-Murray Esqr.,
Ag. Collector,
Vizagapatam District.

To

The Honorable J. F. Price,
Chief Secretary to Government,
Judicial Department,
Madras.

Sir,

With reference to para 4 (3) of G. O. Nos. 2338 and 2339 Judicial dated 26th September last, I have the honor to state that the delay noticed by Government in the disposal of contested suits in this District occurs in the Senior and the Head Assistant Collectors' divisions and is due to the following causes:-

They are itinerating officers and have constantly to move about both in the Agency and in the ordinary tracts. The suits have consequently to be adjourned from time to time to suit the convenience of the parties and witnesses and also at times to enable the parties to produce important documents which they desire to file in support of their claims. In some cases local inquiries have to be made through the Taluk officers which necessarily take some time. I have however instructed the Divisional officers to be carefu to see that

contested suits, the avera

not allowed to occur in future.

I have the honor to be,
Sir,
Your most obedient Servant,

for Ag Collector

HOV

---

cial Department.

RRENT NO. 2124

NEVELLY Collector's OFFICE.

From
The Collector
Tinnevelly

To
The Chief Secretary to
Government
Fort St. George.

CHIEF SECRETARY GOVERNMENT OF MADRAS 29. APR. 1895

Dated 26 April 1895
Received 29
Regd 30 Dis No. 749 of 95 / 82

ENCLOSURES. "

SUBJECT.

Submitting explanation for long pendency of suits under Act VIII of 1865 in the Divisional ...ices during the year ...00 1893.

Collector's OFFICE

From

The Collector

Tinnevelly

To

The Chief Secretary to

Government

28 APR 1895 Fort St. George.

Dated 26 [illegible] 1895

Received

No.

Enclosure.

Subject.

Submitting reply [illegible] for [illegible] statement of [illegible] 1895 [illegible]

Dis No 749 of 95

Tinnevelly Collector's Office.

Dated 26 April 1895.

8L CURRENT NO. 2124

From

A W B Higgens Esquire,
Collector of Tinnevelly,

To

The Chief Secretary to Government,
Judicial Department,
Fort Saint George.

Sir,

In continuation of this Office Reference A on current no. 358 of 1895 General dated 2nd March 1895 and in reply to para 4 of G.Os 2338, 2339, Judicial, dated 26th September 1894, I have the honor to state that uncontested suits were disposed of after a delay of 201 days in the Head-quarters Deputy Collector's Office. The suits were at first contested, but finally ended in a compromise. The classificati of these suits as uncontested was incorrect. Suits contested at any stage should be treated under High Court's Circular as contested though they m end in compromise.

See also (No 690. of Tinnevelly Collector's report.

2. As regards contested suits, the avera

in the Head Assistant Collector's, 291 days in the General-Duties Deputy Collector's and 258 days in the Head-quarters Deputy Collector's Courts.

3. In the Sub Collector's Court, some suits had to be adjourned for more than two months to enable the Manager of the Ettayapuram estate, now under Court of Wards, to obtain the Court's sanction. The delay in the disposal of some other suits was due to adjournments given owing to the Sub Collector having been in camp. One suit was pending for nearly a year as adjournments had to be granted at the request of both the parties in view of awaiting the decision of a suit in the civil Court for the same kind of relief.

4. In the Head Assistant Collector's Court, there were 299 suits pending at the close of 1892. Adding to this the suits filed in 1893, the total number of suits for disposal during the year was 824, all of which except 24 suits were disposed of during the year. In 70 suits the appeal decision of the High Court on suits relating

Same kind of relief in respect of previous

In 16 other suits, the appeal decision of the District Court in suits for the same kind of relief relating to previous fasli had to be awaited for about 19 months. In some more cases, the clerk of the Court delayed the issue of process &c and failed to bring to notice of the Head Assistant Collector the pendency of some suits. The clerk was suitably punished.

5. In the General-Charge Deputy Collector's Court, the delay in the disposal of suits, the records of which are now available in that Office, was due to adjournments having been granted at the request~~ing~~ of the contending parties and to the witnesses in some having been residents of Madura district, whose attendance had to be secured after some delay. The records of some suits are in the District Court for appeal reference, and the reasons for delay in their disposal could not be ascertained.

6. In the Head-quarters Deputy Collector's Cou some suits relating to Thalavancottai estate had to be adjourned for over three months

on obtaining the sanction of the Court of Wards. In two suits, the evidence of two witnesses who were sick and unable to give evidence had to be recorded only after some delay.

7. Instructions have been issued to the Divisional Officers to arrange for the disposal of suits under Act VIII of 1865 as speedily as practicable.

I have the honor to be,

Sir,

Your most obedient Servant,

[illegible]

Collector.

Ind
26.4.95

[illegible]
26/4/95

Some kind of relief in respect of previous

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gnd

CURRENT. NO. 2167

Judicial ~~Revenue~~ {1895} Department.

From,

The Collector,
Godavari District.

No. 1279 / Chief Secretary

Chief Secretary, Government of Madras
1 MAY. 1895

Dated 18 }
Despatched 26 } — 4 — 1895.
Received 1st May } do
Regd 2nd do
Enc. 4

SUBJECT.

Reporting the cause of delay in the disposal of contested & uncontested Revenue suits in this District. —

C.S.

Order
[illegible]

~~Recorded with the remark that the explanations offered for the delay are not in all cases satisfactory.~~

Dt. 9/5/95 [illegible]
To the [illegible] ~~[illegible]~~, Godavari
(X 20)

Dis no —/Rev of 95. Godavari District Sub Collector's office,
Ramachendrapur 31st March 1895.

From.

A. C. Tate Esquire
Sub Collector, Godavari District.

To.

The Collector
Godavari District.

Sir,

With reference to your memorandum Ref on C 807/Rev d 26.3.95 calling for explanation for the large duration of contested suits during the year 1893, I have the honor to state that I know nothing personally about the matter as I was not here in 1893.

2. Mr. Rawson was in charge of the Sub Collector's office at the beginning of the year. Mr. Swaminatha Iyer was in the office from 25th February to 5th May. Mr. Rawson was again in charge of the office from 6th May to 18th June and Mr. Michael from 19th June to the end of the year. Out of 54 suits, i.e. 5 pending from 1892 and 49 instituted during the year 1893, only 13 were disposed of in the year. 5 out of the 13 suits disposed, were filed by the ryots of Mulakalanka against the manager of the Pittapur Estate objecting

to illegal attachment. They were originally filed and disposed of by Mr. Hammett in 1891 but were remanded by the District court on appeal on 22/9/92 for retrial. These suits were hotly contested on both sides and were adjourned several times at the request of the parties and the Manager of the Estate under the Court of Wards. These lasted for 232 days until they were finally disposed of by Mr. Lawson on 12.5.93. The large duration is partly due to this, and the change in officers during the year also, I suppose, tended to cause delay.

I have the honor to be,

Sir,

Your most obedient Servant

(Sd) A C Tate

Sub Collector

(True Copy)

Dy Dr Collector

5
Incl.
1
216

Dis No 638. Godavari District Head Quarters

Deputy Collector's Office

Cocanada 29th March 1895.

From M.R.Ry. Dewan Bahadur S Venkata Rama Das

Naidu Garu, Deputy Collector. Hd

Quarters Division. Godavari Dt.

To. The Collector

Godavari District.

Sir,

In reply to your Ref dated 26-3-95 on Cir No 807/Rev of 95 enquiring why there was a long delay in the disposal of Revenue suits during 1893, I have the honor to state that the delay was due to (1) the pressure of ~~the~~ other work (2) adjournment of suits at the request of the both parties and (3) non-attendance of parties or witnesses on the dates fixed for hearing.

I have the honor to be,

Sir,

Your most obedient Servant

(Sd) S Venkata Rama Das

Dy Collector

(True Copy)

Dy Dr Collector

1895
Jud!
Bundle No. 2
To
G. No 216

Dis no 316 of 95. Godavari District General
Dy Collector's office,
Narsapur 2-4-1895.

From.
M.R.Ry. C. Siv-ayya Pantulu Garu
Ag Dy Collector, Godavari District
Narsapur

To.
The Collector
Godavari District, Cocanada.

Sir,

I have the honor to reply to your memo Ref no 807/Rev of 26-3-95, calling for an explanation of the long delay in the disposal of Revenue suits in 1893. I regret I am not in a position to give an exact or appropriate explanation of the delay except what may be gathered from the records in this office. A reference to records of the cases of the year and to the quarterly statements shows that the delay is merely due to long adjournments granted often at the request of the parties. The duration up to the 1st hearing itself seems to have been on the average about 4 months. The Baharzali Estate in this Division is a large Zamindary and there are several other minor estates One feature with these Estates is that they file their suits by hundreds all at a time. During the first half of the year the Deputy Collector was Syed Ali Sahib Bahadur and I learn from hearsay that he had then been in a very bad state of health. The above circumstances, so far as I can see, seem to have brought about the delay. M RRy Ch Venkatachelam Pantulu garu succeeded Syed Ali Sahib Bahadur in July 93. The number of the cases then pending was 133, and the number filed in the 3rd quarter was 214, those filed in August 1893 being 204. Owing probably to a large number of cases on hand, Venkatachelam Pantulu garu too used to fix, it appears, the 1st hearing at a rather distant date.

Lastly I beg to add that the copy in this office of annual statement No IX part I (a) shows that the average duration of uncontested cases was 207 but not 256 days as given in your memo under reference.

I have the honor to be,
Sir,
Your most obedient Servant
(sd) C Sivayya
ag Dy Collector

True Copy!
by for Collector

1895
Jud.
Enclos. No 3
O. No 2167

Dis 1099/Rev. of 95.

Godavari, Head Assistant Collector's office
Camp Amalapur 10-4-95.

From.
The Head Assistant Collector.
Godavari

To.
The Collector
Godavari.

Sir,

In reply to your Reference on cur no 807/Rev. of 95 dated 26-3-95, I have the honor to state that 151 suits under the rent Recovery act were filed in the Head Assistant Collectors' court in 1893; 25 suits of 1892 were also pending at the beginning of 1893.

2. The following is the explanation of the delay in the disposal of the suits. Out of the suits of 1892, nine were filed during the 3rd quarter of 1892. Five of them belonged to Lakkavaram Estate under the court of wards and the other four to Sanivarappeta Estate. The Lakkavaram suits had been adjourned three or four times before March 1893, when a reference was made to the Collector as to whether the manager was competent

to institute the suits without the sanction of the Collector as Agent to the Court of Wards. The reference was finally disposed of in October 1893, and the suits were decided in December, two suits being disposed of exparte. The four suits belonging to the Srivarappeta Estate were referred to a commissioner for the measurement of suit lands, and the matter was under correspondence till December 1893, when the suits were disposed of. It will be noticed that the delay which occurred was not in the ~~hearing~~ hearing of the suits.

3. Nine suits of the Tellaprole Estate of the Kistna District were instituted in May 1893. References had to be made to the Kistna and Godavari Collectors as to the legality of their institution without the sanction of the Collector concerned. A reply was received in September 1893 and the suits disposed of in December 1893. All these nine (~~Sweets~~) suits were tried exparte.

4. All the remaining suits with the exception of eight were instituted in August 1893, and were disposed of between 15th November and the end of December. These were posted for hearing for the 1st time on 13th & 17th October 1893. There was, therefore, a delay of about 2 months between the institution of the suits and the first hearing and a delay of about 2 months in their disposal.

5. It will be observed that there was a delay of 16 months in the disposal of 9 suits of 1892, and of 7 months in the disposal of 9 suits of 1893. The reasons for this delay have been given in para 2. The long average duration of contested and uncontested suits pointed out by Government is mainly due to the unavoidable delay in disposing of these 18 suits.

I have the honor to be,
Sir,
Your most obedient Servant
(Sd) L. G. Moore
Ag Head Asstt Collector

(True Copy)

Dy for Collector

24/4

1895
Jud. Dept.
Enclos. No. 4
To
C. No. 2167

CURRENT No. 2167

No. 1279/Ver

GODAVARI DISTRICT,
COLLECTOR'S OFFICE,
~~Cocanada~~, 18 – 4 – 1895
26

FROM

V. A. Brodie, Esquire,
acting Collector,
Godavari District.

To

The Chief Secretary to the Government
Judicial Department, Madras.

SIR,

Referring to para 4 (3) of Government orders numbers 2338 and 2339 / 26-9-1894, Judicial, reviewing the report on the administration of Civil Justice for the year 1893, I have the honor to submit the reports of the Divisional officers explaining the delay in the disposal of contested and uncontested revenue suits for 1893. It will be seen from the above reports that the delay was to a great extent due to the pressure of other work, adjournment of suits at the request of parties, non-attendance of parties or witnesses on the dates fixed for hearing and various other causes.

2. In reply to Government order 282 / 9.3.95 Judicial

I beg to state that, on a careful search, 8 copies of G.O. no $\frac{2338}{26\text{-}9\text{-}94}$ have subsequently been found in the office. The papers seem to have been temporarily mislaid in the Agency Branch.

I have the honor to be,
Sir,
Your most obedient Servant
(Sd) V.A. Brodie
acting Collector

[illegible]
Dy for Collector

$\frac{\text{No}}{24/4.}$

Ind 6912

From
The Ag. Collector of
Ganjam

To the Chief Secretary to
Government
Judicial Department
Fort Saint George

Dated Chatrapur 26th December 1894.
Recd. - - 29th
Regd. 31st
CHIEF SECRETARIAT GOVERNMENT OF MADRAS 29 DEC 1894
No 771 of 1894.
Gen

Subject

Reporting reasons for the delay in the disposal of Revenue Suits during the year 1893.

P 4 G.O. 2338 / 26 9 94

C.S.

C nos 6895, 6756, of 94
1481, 2167 of 95
C Nos 6846, 6912, 6711, 6234 of 94
+ 215, 690, 996, 1488
1073, 2124 & 429 of 95

Expd 24/5.

ades

Pr: d/21st May 1895 No. 1092

Recorded with the remark that special attention should in future be paid to the speedy disposal of revenue suits.

D
16.5.95

Note

17/5/95

D
16.5.95

As might have been expected the explanations regarding the delay in disposal of revenue suit are for the most part couched in general terms e.g. pressure of Jamabandi, other work, adjournments with a view to permit parties to arrange terms of compromise, difficulty in serving summons &c. — It is submitted that the whole batch of explanations may be recorded, as there is no glaring shortcoming on the part of any officer; the attention of Collectors having been drawn to the delay, ~~little~~ this matter may perhaps be allowed to drop. — The less satisfactory explanations are tied up with red tape in case C.S. should think further action is called for.

9/5/95
10

D
16.5

The whole thing may be dropped. I know from a large experience what a nuisance these cases are and how hard it is for an overworked officer to find time to attend to them. They are often anything but "summary" suits.

17/5.

Ganjam Collector's Office
Dated Chatrapur 24th December 1894.

From C. J. Weir Esquire
Ag. Collector of Ganjam

To the Chief Secretary to
Government,
Judicial Department,
Fort Saint George.

Sir,

With reference to last but one paragraph in page 4 of Government Order dated 26th September 1894 Nos. 2338 and 2339 Judicial, reviewing the report on the administration of the Civil Justice for the year 1893, I have the honor to report as follows:-

2. During the year 1893, 13 uncontested suits were disposed of by Revenue Courts as shown below:-

By the Principal Assistant Collector	4.
do Senior ——— do	2.
do General Deputy —— do	4.
do Head Quarters Deputy — do	3.
	13

Of the 4 shown against the Principal Assistant Collector, one was disposed of within two months, and there was a delay of more than two months in the other three. The delay was due to the Principal Assistant Collector being on his tour for some time on the Jamabandy of the Berhampore Taluq. After the Jamabandy was over, his time was fully occupied in the disposal of important Criminal cases against the late Deputy Tahsildar of Tekkali and the Zemindar of Tarla.

The two cases shown against the Senior Assistant Collector were disposed of within two months.

Only

Only in one of the 4 cases shown against the General Deputy Collector, there was a delay of more than two months (74 days). At the request of the Khallikote zemindar the suit was transferred to his file from that of the Head Quarter's Deputy Collector on the 6th April 1893 and it was disposed of on 21st June 1893. The slight delay in this case was unavoidable.

As regards the delay in the 3 cases against the Head Quarter's Deputy Collector, the Deputy Collector was also President of the Primary School Examination Board, and he was therefore touring almost the whole of the 1st Quarter for this and other important work. Hence the delay.

I have the honor to be
Sir
Your most obedient Servant

For Ag: Collector

9d Aug/93

[illegible] Aug/93

When given for copying
When copied
When examined
When signed
} 189 .

READ AGAIN G.O., No. 189 , DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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