

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 161

DATED 24th Jan. 1895

INDEXED.

[Despatch Abstract.]

DEFENCE OF SUIT

Sanctioning on the usual conditions the -- No.244 of 1894 against
the Secretary of State on the file of the District Munsif of Mangalore.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	5731		95				

Judicial

146

Jud. Dept.

No. 2350 15-11-93

1895.

From,

The Collector of
South Canara.

To,

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

Dated

15th January

1895.

Received

Disposal No. 31 of 1895

Ver:

CHIEF SECRETARY
ENCLOSURE
Subject
GOVERNMENT OF MADRAS

C.S. No. 244 on the file of
the Mangalore Municip. sub-
mitting copy of plaint and
draft written statement
to be filed in — and
soliciting Government
Sanction for its defence
at the public cost.

J.W.R. 35
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Reports
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17/4

Defence as at
No. 2350 15-11-93
2123 12/10/93

Order 24th Jan 1895
The defence of the suit is
sanctioned on the usual terms
The D.M., South Canara
Note: The draft state of defence appears sound

28 JAN 95

punishable under section 420 of the I. P. C.

The 2nd Defendant evaded arrest and absconded.

A proclamation was therefore issued and the 2nd Defendant's property attached under sections 87 and 88 C. P. C.

3. The Plaintiffs in the present suit who are the 2nd Defendant's father and brother filed a petition before the Deputy Magistrate for releasing from attachment the property which they claimed as belonging to them. The Deputy Magistrate, a copy of whose proceedings is enclosed, rejected the petition as he was satisfied that the property attached belonged to the accused and also because criminal Courts have no power to enquire into and adjudicate upon the claims of third parties to properties attached under section 88 of the C. P. C.

4. The present Plaintiffs applied to me as District Magistrate for revision of the Deputy Magistrate's order but as no appeal lay to me and as I saw

no reason for making a reference to the High Court I declined to interfere.

5. The act complained of is a judicial act done by a Court of Justice in the lawful exercise of its powers, and a suit does not, I think, lie to question its correctness.

6. I beg to submit a draft of a written statement prepared by the local Government Pleader for the approval of Government. The time for filing it expires on the 27th Proximo.

I have the honor to be,
Sir,
Your most obed^t servant,

P. Duraiswami Aiyangar
Acting Collector.

Ms. A.
10.1.95.
Ed
Jus
10/1

When given for copying _____
When copied _____
When examined _____
When signed _____

189 .

READ AGAIN G.O., No.
189 ,

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DIITO.

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

N.B.—

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