

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 333

DATED 14th Feb. 1895.

INDEXED.

[Despatch Abstract.]

EXEMPTION FROM PERSONAL APPEARANCE IN COURTS

Declining to accede to the request of the Honourable the Maharaja of Vizianagram to be exempted from personal appearance in Courts.

BACK PAPERS.

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

FURTHER PAPERS.

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

To His Excellency the Governor of
Fort. St. George in Council

Application under Section 64 of
the Code of Civil Procedure.

Petitioner — Onahaja Mirza Ali
Pusapati Auanda Sajapathu
Raz Mami Sultan Bahadur
G. C. J. E. of Vizianagaram

Petitioner prays that he may be exempted
from personal appearance in Court under Section
64 of the Code of Civil Procedure. for the
following reasons:—

1. By an order passed on 27. January 1882
petitioner was informed by Government that
although his application could not then be
coupled with petitioner might rely on the
Courtesy of the Judges not to put him to any
unnecessary inconvenience.

2. Petitioner begs to point out that
while Courts have a discretion as to

granting a summons for the appearance of a
defendant under section 64 of the Code of Civil
Procedure no such discretion is given by section
159 in the case of a witness.

In a case reported in Indian Law Reports
of Bombay page 310 in 1884 West. J refused
a decree because summonses were refused for
witnesses.

3. Petitioner as the owner of a large Zamindari
is liable to be frequently summoned without
cause purely for the sake of vexation.

4. Petitioner is not inferior in rank to
many of the Rajas & other persons of rank outside
the Madras Presidency who have been exempted
from personal appearance by other Local
Governments.

5. This exemption is not sought in order
to enable Petitioner to evade the duty of
every citizen to give evidence when such
evidence is useful nor has petitioner any
objection on personal ground to attend
a court of justice.

6. Petitioner is informed that in one
instance in the Munsiff Court of Vizianagaram
the party admitted that he summoned
petitioner in order to have an opportunity
of representing his case to petitioner
in

in person and in no instance in which
petitioner has been summoned to give
evidence does ^{it} appear that his evidence
was required for the ends of justice.

7. Neither petitioner's father nor his
grand-father were ever summoned so far
as petitioner is aware.

Petitioner prays that the lists of
persons exempted in other presidencies may
be taken as part of this petition.

H. S. Wadsworth.

25 January/98 Council for Petitioner

27/1/82. Dec 16/1880

YD 1131R: 2399

CURRENT NO. 378

Just Dept.

From

H. G. Wedderburn Esq.
Counsel for

The Maharaja of Vizianagaram

Despatch no. 404 of 92 1131R
177/87 2399

Dated 25 — 1 — 95

Recd 25 — 1 — 95

Regd 30 — 1 — 95

Subject.

Forw^d from of his client,
praying that he may be
exempted from personal
appearance in Comts.

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Judicial
DEPARTMENT.

No. 378 of 95

From

Dated

189

FOR ORDERS.

Agree with the U. I.

MS

7/2/95

H.E. I think the Govt. must
repet its inability to comply
with this request. I do not well see
where we could draw the line, if
this concession were granted to one
Zemindar.

10 Feb

Cs.

Order 14 Feb 1885 No 333.

The Govt. regrets that it is
unable to accede to the request
of the Maharaja of Vizianagaram
(from orders)

12.2.85 13/2/85

H.E. usual address (950)
The Maharaja of Vizianagaram

H. G. Wedderburn Esq.

Counsel to the Honble
the Maharaja of Vizianagaram

DESPATCHED
10 FEB 95

Please see Correspondence
underlying G.O. 161 of 27.1.82,
which refused to comply with
a similar request from the Maharaja
~~perhaps Govt might now take~~
~~to re-consider its former decision~~
It is subm^d that this request
should be rejected.
Attached to G.O. of 22
Feb 1881, No 406, Ind^l, is
a list of persons who
then enjoyed the privilege of
exemption from attendance
in Court. They numbered only
six & were all priests.
Since 1881, I believe no
such concession has been
granted save in the single
case of the Prince of
Arcot (G.O. of 10 Jan 81, No
14, Pol.).
From the Hon Mr. Hudson's
remarks under cover of G.O.
of 27 Jan 1882, No 161, Ind^l, it
appears that a similar request
was made by the Maharaja
father & was refused by Govt.
If one big Zamindar is exempt
all will have to be so treated.
which will make a privilege of a request.

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

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

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