

(1) Number of pages 8

(2) Date of repair 18-6-42

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No.	546	Press Mis.→
Dated	24-3-	1862.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
24th March 1862.*

No. 427. Read the following Endorsement of the Deputy Chief Engineer, Southern Circle, dated Chepauk, 3rd March 1862, No. 11,081.

Read the following letter from Captain W. C. PALMER, Acting District Engineer Trichinopoly, to the Deputy Chief Engineer, Southern Circle, dated Trichinopoly, 20th February 1862, No. 1,746:—

SIR,

1. Referring to Proceedings, No. 3,690 of 11th August 1860, communicating the order of Government granting to Sub-Overseer Ponnuswamy Pillai the services of the Government Vakíl in conducting the defence of a suit brought against him in the District Munsif's Court of Conád, I have the honor to forward you copy of the translation of the Munsif's decision dismissing the suit from his file on account of the non-attendance of the Plaintiff and his witnesses on the day appointed for enquiry.

2. An Appeal Petition, copy of which is enclosed, has been filed in the Court of the Civil Judge appealing against this decision and applying for the case to be remanded for hearing, and I have desired the Government Vakíl to continue to conduct the case on the former Order of Government.

— — —
Copy of Translation of Appeal Petition.

1. In the Original Suit Plaintiff in his appeal Petition set forth that the admission of the Defendant that the earth near the trees standing close to the road was taken owing to the inadequate amount of estimate, this is alone sufficient proof for judgment in Plaintiff's favor, the Munsif is not right in dismissing the Suit for the non-attendance of witnesses.

2. There was sufficient waste land where the Defendant could take earth for the road works without loss to any one, the Defendant did so with intention to cause loss to Plaintiff by interfering with the trees; it is contrary to law to injure the property of others.

3. The witnesses were ready as directed in the Summons, but they were not examined either then or some days after owing to the court not having time; they did not neglect to attend before the Court.

4. The witnesses were ready at a distance of 100 yards from the Court House on the day (the 24th July) the Munsif asserts they were absent, and they were called in before the Court only $\frac{1}{4}$ hour before they could enter the Court House, the Munsif has rejected the Suit under the plea of absence.

5. The Plaintiff immediately requested the Munsif to examine witnesses present, and he totally refused, therefore the Plaintiff's appeals to the Court to order the investigation of the Suit in order that judgment may be given in his favor on the inspection of the garden in question.

(Signed) VYTHELINGUM, IYER,
O. S. Plaintiff's Vakíl.

(True Copy.)

(Signed) W. C. PALMER, Captain,
Acting District Engineer of Trichinopoly.

— — —
*Copy of Translation of an Extract from the Diary of the District Munsiff of Conád, dated
24th July 1861, Suit No. 103 of 1860.*

Plaintiff.

Sabaputhy Pillay of Sevagungy.

Defendants.

Ponooswamy Pillai, Sub-Overseer, and two others.

The Plaintiff preferred this Suit against the Defendant for the recovery of damages sustained of the value of Rupees 150, Summonses were served on the parties for their attendance and notice

*Proceedings of the Madras Government, Public Works Department,
24th March 1862.*

to the Plaintiff's Vakîl was issued to that effect; as the Plaintiff has neglected to attend with his witnesses on the 17th instant, the day appointed for enquiry; the case is dismissed from the file of this Court.

(True Extract.)

(Signed) C. REBEIRO,

District Munsiff.

(Signed) W. C. PALMER, Captain,

Acting District Engineer.

1. Submitted for the information of Government, with reference to their Proceedings No. 1,697, dated 9th August 1860.

2. Government will observe that the Munsiff dismissed the Suit from his file on account of the non-attendance of the Plaintiff and his witnesses on the day appointed for enquiry.

3. An Appeal has been filed in the Court of the Civil Judge, and the District Engineer has desired the Government Vakîl to conduct the case on the former Order of Government.

(Signed) W. I. BIRDWOOD, Colonel,

Deputy Chief Engineer, Southern Circle.

No. 428.

ORDER THEREON, 24th March 1862, No. 546.

The District Engineer's proceedings is approved with reference to paragraph 2 of Order of Government, 9th August 1860, No. 1,697.

(Signed) W. H. HORSLEY, Lieut.-Colonel,

Secretary to Government.

Southern Circle D.M.
Archives of D. Eng. Office
Archives of 20th February 1862
No. 1746.
Dec/62

From, Captain W. C. Palmer
Acting District Engineer
Archives of

The Deputy Chief Engineer
D.M.

Ali,

1. Referring to Proceedings No. 3690 of 11th August 1860 communicating the order of Government granting to Sub, Overseer Ponnusawmy Pillay the services of the Government Vakîl in conducting the defence of a Suit brought against him in the District Munsiff's Court of Conad, I have the honor to forward you Copy of the Translation of the Munsiff's decision dismissing the Suit from his file on account of the non-attendance of the Plaintiff & his witnesses on the day appointed for enquiry.

2. An Appeal petition Copy
of which is enclosed, has been filed
in the Court of the Civil Judge appealing
against the decision and applying for
the Case to be remanded for hearing
& I have desired the Government Vakil
to continue to conduct the Case on the
former order of Government. —

I have the honor to do,
Sir,
Yours most Obedient
W. K. L. M. S. Captain
Acting District Engineer

July 10th 1862. 3 March 1862
No. 11081.

From

The Acting District Engineer
Tritonopolis

To,

The Deputy Chief of Dept
Southern Circle

Leads to February 1862
No. 24.

No. 171, 6

Enclosed Two.

Forwards copies of the
Translations of the Court's
Court, decision of the Appeal
regarding the Suit brought,
Against Sub. Overseer
Donoosamy Dillay.

S

24/2/62

No. 11081.

Submitted for the information of Government, with reference to their Proceedings No. 1697, dated 9th August 1860.

2. Government will observe that the Munsiff dismissed the Suit from his file on account of the non-attendance of the Plaintiff and his witnesses on the day appointed for enquiry.

3. An appeal has been filed in the Court of the Civil Judge, and the District Engineer has desired the Government to direct the Government to conduct the case in the former order of Government.

Deputy Chief Engineer
J. C. Chappin
3rd March 1862.

Col. 6
By Ch. Sec. 3
Lt. Col. W. H. Hensley
Secretary to Government P. H. O.
J. C. Chappin

Pro: 9 August 1880

Public: 1880

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