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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No.	1630	Press Mis.
Dated	3	18 64.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
3rd June 1864.*

No. 87. Read the following letter from C. DALE, Esq., Government Pleader, Madras, to Colonel C. A. ORR, R. E., Secretary to Government, Public Works Department, dated Madras, 14th May 1864, No. 114 :—

Sir,

1. In continuation of the letter I had the honor of addressing you, under the date and number noted in the margin, I do myself the honor of forwarding a manuscript copy of the Decree and Judgment passed by the High Court in R. A. S. No. 34 of 1863, on the file of the High Court.

2. I am given to understand that the Court has discontinued the very convenient practice of printing their Decrees.

In the High Court of Judicature at Madras, Saturday the thirtieth day of January, one thousand eight hundred and sixty-four.

Present.

The Honorable Mr. Justice FRERE, and
The Honorable Mr. Justice HOLLOWAY.

Regular Appeal No. 34 of 1863.

Chadumbara Naicken and 4 others, Appellants (Plaintiffs), and
Bommi Reddy and 15 others, Respondents (Defendants).

Regular Appeal against the Decree of the Civil Court of Trichinopoly, in Original Suit No. 39 of 1861, on the file of the Sudder Ameen's Court.

This Regular Appeal coming on to be heard and decided this present day, the Court, after hearing J. H. A. Branson, Esquire, Counsel for the Appellants, and J. D. Mayne, Esquire, Counsel for the 10th, and C. Dale, Esquire, Counsel for the 15th Respondents (the other Respondents not appearing in person or by Counsel), delivered the following judgment :—

JUDGMENT.—This case the Counsel for Defendants very properly declined to argue. The contention of the original Plaintiff and Appellant is for a right to determine how a channel is for ever to run in land which is not his. This appeal is dismissed with costs.

(A true Copy.)

(Signed) C. F. CHAMIER,
Registrar, Appellate *si de*.

L. S.

In the High Court of Judicature at Madras, Saturday the thirtieth day of January, one thousand eight hundred and sixty-four.

Present.

The Honorable Mr. Justice FRERE, and
The Honorable Mr. Justice HOLLOWAY.

Regular Appeal No. 34 of 1863.

Chadumbara Naicken and 4 others, Appellants (Plaintiffs), and
Bommi Reddy and 15 others, Respondents (Defendants).

*Proceedings of the Madras Government, Public Works Department,
3rd June 1864.*

Regular Appeal against the Decree of the Civil Court of Trichinopoly, in Original Suit No. 39 of 1861, on the file of the Sudder Ameen's Court.

Grounds of Appeal.

1. "The said Decree does not adjudicate on Plaintiffs' claim to have the new channel filled up."
2. "Their right thereto does not necessarily depend on any question of damages, such as is suggested in paragraph 4 of the said Decree."
3. "Neither can the question of damages in 1860 depend upon circumstances, as they existed in 1844."

DECREE.—This Regular Appeal coming on this present day before this Honorable Court for hearing in the presence of J. H. A. Branson, Esquire, Counsel for the Appellants, and J. D. Mayne, Esquire, Counsel for the 10th, and C. Dale, Esquire, Counsel for the 15th Respondents (the other Respondents not appearing in person or by Counsel): Upon perusing the grounds of Appeal, the Judgment and Decree of the Court of first instance, and the material papers in the Suit, and upon hearing the arguments of the Counsel for the respective parties, this Court doth order and Decree that the Decree of the Court of first instance be, and the same hereby is, confirmed, and this Appeal dismissed; and this Court doth further order and Decree that the Appellants do pay to the 10th and 15th Respondents Rupees 112-6-0 for their costs in opposing this Regular Appeal.

(Signed) H. FRERE,
(") W. HOLLOWAY, } *Judges.*

MEMORANDUM OF COSTS.

Respondents (10th and 15th Defendants) costs:—

	Rs.	A.	P.
1. Stamp for 10th Defendant's Vakalatnamah ...	2	0	0
Fee for 10th Defendant's Vakeel on Rupees 1,360 ...	63	0	0
Do. 15th Defendant's Government Vakeel ...	63	0	0
1 Printed copy purchased by the 10th Defendant...	2	3	0
1 Do. supplied to the Government Vakeel ...	2	3	0
To be paid by the Appellants (Plaintiffs.) ...	142	6	0

(Signed) C. F. CHAMIER,
Registrar, Appellate side.

No. 88.

ORDER THEREON, 3rd June 1864, No. 1,630.

Communicated to the Superintending Engineer, 6th Division, with reference to the Orders mentioned below:—

No. 3,057, dated 21st October 1863.

No. 370, dated 4th February 1864.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 6th Division.

Exd. S. T. Augustin.

*In the High Court of Judicature at
Madras.*

*Saturday the thirtieth day of January,
One thousand eight hundred and sixty four.
Present.*

The Honorable Mr. Justice Fraser.

and.

The Honorable Mr. Justice Holloway

Regular Appeal No 34 of 1863.

Chakumbarav Saikhen } Appellants (Plaintiffs)

and 4 others.

and.

Bommis Reddy } Respondents (Defts)

and 15 others.

*Regular Appeal against the Decree
of the Civil Court of Trichinopoly, in
Original Suit No 39 of 1861, on the file of
the Sudder Ameen's Court.*

*This Regular Appeal coming on
to be heard and decided this present day,
the Court, after hearing J. H. A. Branson
Esq. Counsel for the Appellants, and J.
D.*

Judgment. This case the Council for
Defendants very properly declined to argue.
The contention of the original Plaintiff
and Appellant is for so right to determine
how a channel is for ever to run in land
which is not his. This appeal is dismissed
with costs.

(Signed) C. F. Chamier,
Registrar,
Appellate Side.

20

The High Court of Judicature at Madras.
 Saturday, the thirtieth day of January, One
 thousand eight hundred and sixty-four.

The Honorable Mr. Justice Fries

and

The Honorable Mr. Justice Hollway.

Regular Appeal No 34 of 1863.

Chedumbara Naikany Appellants

and 4 others —) (Plaintiffs)

and.

Bonnie Reddy } Respondents
and 15 others } (Defendants)

Regular Appeal against the Decree of
the Civil Court of Trichinopoly, in Original
Suit No 39 of 1861, on the file of the Sudder
Judicial Court.

Grounds of Appeal.

1. "The said decree does not adjudicate on Plaintiff's claim to have the new channel filled up."

2. " Their right thereto does not necessarily depend on any question of damages such as is suggested in para 4 of the said decree."

3. "Neither can the question of damages in 1860 depend upon circumstances as they existed in 1844."

Decree. This Regular Appeal coming

on the present day before this Honorable Court
 for hearing in the presence of J. M. A. Branson
 Esquire, Counsel for the Appellants, and
 J. D. Mayne Esquire, Counsel for the 10th,
 and C. Dale Esquire, Counsel for the
 15th Respondents (the other Respondents
 not appearing in person or by Counsel).
 Upon perusing the grounds of Appeal, the
 Judgment and Decree of the Court of
 First Instance, and the material papers
 in the suit, and upon hearing the arguments
 of the Counsel for the respective parties;
 this Court doth order and decree that the
 Decree of the Court of First Instance be,
 and the same hereby is, confirmed, and the
 Appeal dismissed; and this Court doth
 further order and decree that the Appellants
 do pay to the 10th and 15th Respondents
 Rupees 142-6- for their costs in opposing
 this Regular Appeal.

(Signed) H. Friere

(Signed) W. Holloway } Judges

Memorandum of Costs.

Respondents (10th and 15th Def^{ts}) Costs.

1. Stamp for 10 th Def ^t Takalubnamah	2-0
Fee for 10 th Def ^t Takeel on R. 1360	68
15 th Def ^t Cost Takeel as above	68
1. Printed Copy purchased by the	
10 th Defendant	2-3
1-52-supplied to the Govt. Takeel	2-3

To be paid by the Appellants (Plffs) 142-6-
 (Signed) C. F. Chamber,
 Registrar,
 Appellate side.

142-6-

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142-6-142-6-

142-6-142-6-

142-6-

No. 114

from Clement Dale Esquire Government Pleader Madras.
Colonel C. A. Orr R. E. Secretary to Government.

Madras 14th May 1864.

Sir

In continuation of the Letter I had the honor
of addressing you under the date and number
January 1864 No. 16. noted in the Margin, I do myself the honor of
forwarding a Manuscript Copy of the Decree and Judgment
passed by the High Court in R. A. S. No 34 of 1863
on the file of the High Court.

I am given to understand that the Court
has discontinued the very convenient practice of
printing their Decrees.

I have the honor to be

Sir
Your Most Obedt. Servant
Clement Dale -
Government Pleader

R. A. S. No 34 of 1863.

Decree of the

High Court

No 34 of 1863

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first of the first of the

1884

to the Secretary to the

No 2346

Dated 14 May 1884
Page 27

No 114

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with copy of the plan

and deposit plan by

the High Court in Road

No 34 of 1884 No

No 1000 - 2346

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communicated to the

representative of the

with reference to the order

mentioned below.

No

No 3107 of 21st October 1868

No 370 of 4th February 1884

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No 1000 of 2346

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