

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 242

Press

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131. 132

Dated 7 - 2 - 18 65.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
7th February 1865.*

No. 131. Read the following Proceedings of the Board of Revenue, dated 12th January 1865,
No. 194.

Read the following letter from C. DALE, Esq., Government Pleader, to W. HUDLESTON,
Esq., Secretary to the Board of Revenue, dated Madras, 29th December 1864, No. 246 :—

1. I have the honor to acknowledge the receipt of the Proceedings of the Board of Revenue under the date and number noted in the margin, and to forward herewith a copy of the order passed by Her Majesty in Her Privy Council under date the 27th July 1863.
27th December 1864, No.— Revenue Department.
2. This order, it will be observed, affirms the Decree passed by the late Court of Sudder Adalat in Appeal Suit No. 140 of 1859 on the file of that Court, dated the 1st of September 1860; and dismissed the appeal to Her Majesty in Council.
3. The papers referred to in the Order of Government, mentioned in the Proceedings noted above, are very voluminous and consist merely of a print, for use in the Privy Council, of the records of the Civil Court in the Original Suit No. 1 of 1856. As also of the Court of the Sudder Adalat in the Appeal Suit, together with "the case for the appellant" prepared by Counsel in England for presentation to the Privy Council, and a copy of the short-hand writer's notes taken on the hearing of the Appeal before the Privy Council, these, in my opinion, cannot be of any service to the Board or to the Collector.
4. I have forwarded a copy of the order of Her Majesty in Council to the Collector of Madura.

ENCLOSURE No 1.
At the Court at Osborne House, Isle of Wight.
The 27th day of July 1863.
Present.
The Queen's Most Excellent Majesty.
Lord President.
Viscount Palmerston.
Sir George Grey, Bart.

Whereas there was day read at the Board a Report from the Judicial Committee of the Privy Council, dated the 30th of June last past in the words following, viz. :—

Your Majesty having been pleased by your General Order in Council of the 20th November 1861, to refer unto this Committee the humble Petition and Appeal of the Collector of Madura (the 1st Defendant in the Original Suit) Appellant against Veeracamoo Ummal (the Plaintiff in the Original Suit), Respondent, setting forth that on the 4th day of January 1856, Veeracamoo Ummal, the above named Respondent, filed her plaint in the Civil Court of Madura against the Appellant and three other Defendants, whereby she claimed as the daughter of Chinna Obola Naick, the last male Zemindar of the Zemindary of Eraseca Naiknoor, to be entitled to the possession of such Zemindary, and prayed that a Decree might be passed awarding the same to her, together with certain mesne profits; that the Appellant and the 2nd Defendant appeared and filed separate answers to the said plaint on the 20th day of March 1856 and the 28th day of the same month respectively, that the 3rd and 4th Defendants put in no answer or answers and did not appeal in the suit, and as against them the Suit proceeded *ex parte*, that such proceedings were had in the suit as against the Appellant and the 2nd Defendant, that the same was at issue and on the 13th day of July 1857 points for proof were recorded by the said Civil Court for the said Respondent and for the Appellant and the 2nd Defendant; that by the Decree of the said Civil Court, bearing date the 30th day of March 1859, the Court decreed that the Appellant should make over to the Respondent as sole surviving heiress of her deceased father the estate of Eraseca Naiknoor, and should also pay the mesne profits sued for, and all her costs in the said Suit, and that the Appellant and the 2nd Defendant should each pay their own costs; that the Appellant being dissatisfied with the above-mentioned decree presented his Petition of Appeal therefrom to

*Proceedings of the Madras Government, Revenue Department,
7th February 1865.*

the Court of Sudder Adalat at Madras on the 21st day of September 1859; that on or about the 1st day of September 1860, the said Court of Sudder Adalat made a Decree confirming the Decree of the said Civil Court and dismissed the Appeal with costs; that on or about the 23rd day of February 1861 the Appellant feeling himself aggrieved by the said Decree of the Court of Sudder Adalat presented his Petition of Appeal to Your Most Excellent Majesty in Council, and such Petition was duly received and admitted by the said Court of Sudder Adalat, and humbly praying that Your Majesty in Council will be pleased to take his said Appeal into consideration; and that the said Decree of the said Court of Sudder Adalat at Madras may be reversed, altered, or varied, or for other relief in the premises. The Lords of the Committee, in obedience to Your Majesty's said General Order of reference, have taken the said humble Petition and Appeal into consideration, and having heard Council on behalf of the Appellant (no appearance having been entered on behalf of the Respondent) their Lordships do agree humbly to report to Your Majesty as their opinion that the said Decree of the late Court of Sudder Dewanny Adalat at Madras of the 1st September 1860 ought to be affirmed, and this Appeal dismissed.

Her Majesty having taken the said Report into consideration, was pleased by and with the advice of Her Privy Council to approve thereof, and to order as it is hereby ordered that the said Decree of the late Court of Sudder Dewanny Adalat at Madras of the 1st September 1860 be, and the same is hereby affirmed, and this appeal dismissed; this Board whereof the Judges of the High Court of Judicature at Madras for the time being and all other persons who it may concern are to take notice and govern themselves accordingly.

(Signed) ARTHUR HELPS.

1. Communicated to the Collector of Madura.
2. The Board presume that nothing now remains to be done but for the Collector to give effect to the original Decree for the restoration of the estate of Erachakanaiknoor to Veeracamoo Ummal, the claimant, in whose favor the case has terminated.

No. 132. ORDER THEREON, 7th February 1865, No. 242.

Miscellaneous.

Resolved that the Board be requested to call upon the Collector to act upon the original Decree, passed in favor of the claimant Verakamu Ammal, for the restoration to her of the Erachakanaiknoor estate of Madura District.

(True Extract.)

(Signed) C. G. MASTER,
Under Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 194.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 12th January 1865.

Read the following letter from C. DALE, Esq., Government Pleader, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Madras, 29th December 1864, No. 246 :—

1. I have the honor to acknowledge the receipt of the Proceedings of the Board of Revenue under the date and number noted in the margin and to forward herewith a copy of the order passed by Her Majesty in Her Privy Council under date the 27th July 1863.

2. This order it will be observed affirms the Decree passed by the late Court of Sudder Adalat in Appeal Suit No. 149 of 1859 on the file of that Court, dated the 1st of September 1860; and dismissed the appeal to Her Majesty in Council.

3. The papers referred to in the Order of Government, mentioned in the Proceedings noted above are very voluminous and consist merely of a print, for use in the Privy Council, of the records of the Civil Court in the Original Suit No. 1 of 1856. As also of the Court of the Sudder Adalat in the Appeal Suit, together with "the case for the appellant" prepared by Council in England for presentation to the Privy Council, and a copy of the short hand writer's notes taken on the hearing of the Appeal before the Privy Council, these, in my opinion, cannot be of any service to the Board or to the Collector.

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Civil Court and dismissed the Appeal with costs; that on or about the 23rd day of February 1861 the Appellant feeling himself aggrieved by the said Decree of the Court of Sudder Adalat presented his Petition of Appeal to Your Most Excellent Majesty in Council, and such Petition was duly received and admitted by the said Court of Sudder Adalat, and humbly praying that Your Majesty in Council will be pleased to take his said Appeal into consideration; and that the said Decree of the said Court of Sudder Adalat at Madras may be reversed, altered, or varied, or for other relief in the premises. The Lords of the Committee, in obedience to Your Majesty's said General Order of reference, have taken the said humble Petition and Appeal into consideration and having heard Council on behalf of the Appellant (no appearance having been entered on behalf of the Respondent) their Lordships do agree humbly to report to Your Majesty as their opinion that the said Decree of the late Court of Sudder Dewany Adalat at Madras of the 1st September 1860 ought to be affirmed, and this Appeal dismissed.

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2. The Board presume that nothing now remains to be done but for the Collector to give effect to the original Decree for the restoration of the estate of Erachakanaiknoor to Veerakamoo Ummal, the claimant, in whose favor the case has terminated.

(True Copies and Extract.)

To V. H. Levinge, Esq., Collector of Madura,
with one Enclosure.
Copy to J. D. Sim, Esq., Secretary to Government, R. D.
C. Dale, Esq., Government Pleader, Madras.

Ed. R. H. Lee.

Communicating letter from the Government Pleader, forwarding copy of an Order passed by Her Majesty in Her Privy Council affirming the Decree passed by the late Court of Sudder Adalat in Appeal Suit No. 140 of 1859 on the file of that Court, and dismissing the appeal to Her Majesty in Council.

No. 194.

Dated 12th January 1865.

Received 21st.

PROCEEDINGS OF THE BOARD OF REVENUE.

No. 171-

Rev. 1865. Department

Resolved that the Board be requested to call upon the Collector to act upon the original decree for the claimant of the estate in favor of Erachakanaiknoor.

Reported 23rd May 1865

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