M R.O 1—77,006—8-6-37.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Public works **DEPARTMENT.**

G.O. No. 2367	Press / Mis.
117-18	
Dated 5- 8	1867.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department
5th August 1867.

No. 117. Read the following letter from the Officiating Superintending Engineer, 8th Division, to the Secretary to Government, Department Public Works, dated Palamcottah, 24th July 1867, No. 813 :—

1. With reference to G. O. No. 2,164, of the 18th instant, I have the honor to report on the delay noticed by Mr. Brockman in presenting an appeal against the revised decree of the Moonsiff of Peroombalore, that on hearing from the Vakeel of the Moonsiff's decree I wrote to the Civil Judge of Trichinopoly on the 6th February, stating that as I must receive the orders of Government before instituting an appeal, it was impossible for me to act within the periodof a month, and asking for an extension of time. The Civil Judge wrote in reply, on the 11th February, that "no extension of time for preferring an appeal can be granted "beforehand; but in case of appeal being preferred after the expiration of the "limited time, a petition should be presented explaining the cause of the delay, "which will then be duly considered."

2. Having, in the meantime, asked the Moonsiff to send copies of all the documents filed in the suit against Soobaraya Pillay, I was told that the whole of the papers were in the Civil Court; and on the 26th February 1867 I wrote to the Civil Judge for copies of the papers, to enable me to refer the matter to Government. There being no reply to this application, I addressed the Civil Judge again on the 8th April, requesting that the papers might be furnished to me before the Court adjourned, but I did not receive them till the 12th May.

3. It then took me some days to peruse all the papers carefully (in conjunction with my current work) in order that I might report on the case as well as I could, and my report was submitted on the 21th May. Hence, considering that there has not been causeless delay, and that I on two occasions took care to inform the Civil Judge that it was my intention to prefer an appeal, I cannot imagine that a petition will be refused, and will have it sent in as soon as possible.

No. 118. ORDER THEREON, 5th August 1867, No. 2,367.

CIVIL WORKS, No. 20.

The Government are of opinion that much of the delay referred to in this letter would have been avoided, had the Acting Superintending Engineer adopted the proper course of communicating with the Civil Court through the Vakeel employed in the case. The practice of addressing a Judge by letter is irregular at any time, but especially so when the party to a suit addresses him.

(True Extract.)

(Signed) J. H. M. SHAW STEWART, Major, R. E.,
Under Secretary to Government.

To the Superintending Engineer, 8th Division,
" Government Pleader.

Exd. S. T. Augustin.

Serpent Ag. Brig. Office 8th Dec.
1813 Salamca 24th July 1809

Item

Captain H.L. Blenderg. 4th Regt
Asst. Superintending Engineer &c &c

By

Colonel C.. J. Carr 16th
Secretary to Government &c &c &c

Sir

With reference to G.O.C. No 216 of
the 18th Inst and I have the honor to
report on the Letter addressed by Lieut.
Brockman, (in proceeding) an appeal
against the revised decree of the Moonsiff
of Veroomdaroo. that on hearing from the
Vakeel of the Moonsiffs Decree: I awaited
to the Court Judge of Trichinopoly. on
the 6th February: alleging that as I must
receive the Orders of Government, before
instituting an appeal, it was impossible
for me to act within the period of six Months

and asking for an extension of time. The Civil Judge wrote in reply on the 11th. February: that "no extension of time for preferring an appeal can be granted before hand; but in case of appeal being preferred after the expiration of the limited time, a petition should be presented explaining the cause of the delay, which will then be duly considered."

2 Having in the mean time asked the Moonsiff to send copies of all the documents filed in the suit against Sookeeram Dilkay; I was told that the whole of the papers were in the Civil Court; and on the 26th February 1867 I wrote to the Civil Judge for copies of the papers, to enable me to refer the matter to Government. There being no reply to this application; I addressed the Civil Judge again;

on the 8th April, requesting that the papers might be furnished to me before the Court adjourned: but it did not receive them till the 12th May.

3 I beg to state that I have done my best to forward all the papers carefully, (in consequence of which my current works in order that I might report on the case, as well as I could, and respectfully represented on the 24th May) since receiving the letter of the Government calling for delay: and that I on two occasions took care to inform the Civil Judge, that it was my intention to prefer an appeal: I learned (in general) that a petition will be refused: and will have it sent in as soon as possible.

I have &c.

Chas Pendergast Captain R.E.

Offg. Superintending Engineer

5th Division

Rec'd from Genl Dept
Aug 1867
Letter 2823
Ho Cyfd Lieut Govr
Simla
Ho Secy to Govt
Fort St George
Dated 31st July 1867
Received 2nd Augt
ese 2367 - 5th Augt 67
Respecting the causes of the delay in forwarding an appeal against the removal decree of the Moonsiff of Nerumbalore
With enclosure

Nos 117-118

ese 31st July 1867 Or 2 Delmpts

ese 2367

The Govt are of opinion that much of the delay reported in this letter would have been avoided, had the Ag Judge Engineer adopted the proper course of communicating with the Civil Court through the Vakeel employed in the case - The practice of addressing a Judge by letter is irregular at any time, but especially so when the party to a ~~suit~~ suit addresses him -

Fort St George
5th Augt 1867

M.

Much delay would have been avoided, had the Ag Sub Judge adopted the proper course of communicating with the Civil Court through the Vakeel employed in the case addressing a Judge by letter is irregular at any time, but especially so when the party addresses him.

Send intimation as above to Captain Rundall

Dept

To Sessions

Govt Pleader

Dept 6/8/67