

(1) Number of pages 12
(2) Date of repair 25. 11. 44
(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public works. DEPARTMENT.

G.O. No.	2865	Press
		Mis.
509-510.		
Dated	28. 11. —	1870.

Not to be folded or roughly handled

308

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*Proceedings of the Madras Government, Public Works Department,
28th November 1870.*

No. 509. Read the following letter from the Acting Superintending Engineer, 8th Division, to the Secretary to Government, Public Works Department, dated Palamcottah, 11th November 1870, No. 2,207 :—

With reference to G. O., No. 1,605, of the 5th July 1870, I have the honour to forward, for the information of Government, copy of the order passed by the Civil Court, Tinnevely, *in re* Mr. A. Colquhoun, Sub-Engineer, Department Public Works, *versus* Motha Brothers, for defamation.

2. This order is the one referred to in paragraph 32 of my Memorandum No. 2,022, of the 22nd October 1870, forming enclosure No. 1 of Captain Oakes' letter to your address No. 2,133, of 3rd instant.

No. 510. ORDER THEREON, 28th November 1870, No. 2,865.

ESTABLISHMENT, No. 55.

ORDERED to be recorded with reference to G. O., No. 1,971, dated 18th August 1870, appointing Captain Oakes to enquire into certain allegations against Mr. Colquhoun.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,

Secretary to Government.

Exd. S. T. Augustin.

Gobt. of 1870: Madras.

PUBLIC WORKS.

To

Patel K. S. S. S.

Recd.

Encl.

G. O. 1870. 1071. 1071.

RECEIVED

NOV 10 1870

NOTE.—Letter from the Superintendent of the Public Works, dated 10th Nov 1870, containing a copy of the order passed by the Civil Court at Tinnevely in the suit for damages instituted by Mr. A. Holquhoun against Messrs. Motha Brothers of Indicorin, dated 10th Nov 1870.

In the Civil Court at Tinnevely 38

Friday, the fourteenth day of October, One thousand Eight hundred and Seventy.

Present

Edmund Forster Webster Esquire.

Acting Civil Judge

Original Suit No. 5 of 1870.

Mr. A. Holquhoun, First Range

Officer of the Public Works

Department, residing at Palam.

Cottah in Tinnevely Taluq.

Plaintiff

Motha Brothers, residing at

Indicorin in Catakudam Taluq.

Defendants

This is a suit brought for the recovery of Rupees 2,000, as damages for the defamatory words used by Defendant.

Before the suit came on for final hearing, the Plaintiff put in Petition No. 1071 of 1870, stating that he is not able to proceed with the case, as he has to attend upon Captain Oakes, who has been appointed by Government to investigate certain complaints preferred against

him (Plaintiff); and that in the event of that gentleman making an unfavorable report, there will be no necessity to prosecute this suit, and praying that he may be allowed to withdraw from the suit for the present under section 97 of the Code of Civil Procedure.

Upon hearing Mr Sitarama, vakil for Plaintiff, and Mr Gantz, vakil for Defendant, the Court passed the following order.

The suit is accordingly struck off the file, and the Plaintiff will pay the Defendant's costs. The question whether a fresh suit should be permitted under section 97, I reserve till tomorrow (13th October 1870.)

I find now that the Plaintiff has done nothing towards preparing his case for the final hearing, which is fixed for Tuesday next. He has not even filed a list of witnesses to be examined on his behalf, and his statement that his presence before Captain Cakes has left him no time to look after this case, does not appear to me to be worth much, for he has never asked Captain Cakes for leave of absence to appear here or

to consult his vakil, and if he had really been desirous of bringing on the case he could no doubt have given some instructions to his vakil. SE

I am unable to acknowledge any weight in his reason that anxiety of mind consequent on his suspension has rendered him unable to give any thought to this case. I think that on this point the Defendant is certainly entitled to consideration, for the Plaintiff has kept the suit hanging over him for a twelve month past.

Had the Plaintiff taken any trouble to prepare his case for hearing, I might have been able to see some ground for assisting him. But as all the evidence necessary to a proper decision of the case might have been prepared notwithstanding the presence of Captain Cakes as a Commissioner to enquire into the Plaintiff's conduct and as the Plaintiff has chosen to remain altogether inactive in the matter, I decline to give permission to bring a fresh suit.

Memorandum of Costs.

Defendant's Costs

Half of the Pleaders fees on Papers

2000 } 50 " "

1 Stamp for Vakalatnamah " 8 "

2 Stamps for written
Statement } 1 " "

1 Stamp for Petition " 8 "

2 Stamps for copy of a
Document } 1 " "

Copyists fee " 6 "

Batta for services of
Summonses } 9 12 "

Travelling expense 4 " "

To be paid to Defendant by Plaintiff by 2 "

1870/10 C. 2142-10000 142

(Signed) Forster Webster

Jy Civil Judge

(True Copy)

Forster Webster

Jy Civil Judge.

Cupd
H. W.
H. W.

Enclosures in a letter from
the A. S. Superintending Engineer
S. D. to the Secretary to Govt.
P. W. D. No. 2207 dated
10th November 1870-

PW 4606/70

Copy of an order passed
by the Civil Judge
Tinnevely -

No. 2207

Kalamcottah
11 November 1870

From Major L. M. Payne
To A. S. Superintending Engineer & D.
Colonel L. A. Orr
Secretary to Government D. W.

With reference to G. O. No. 1605
of the 5th July 1870, I have the honor to
forward for the information of Govern-
ment copy of the order passed by the
Civil Court Tinnevely in re Mr A.
Lodgkinson Sub. Engineer. D. W. versus
Motha Brothers for defamation.

This order is the one referred to in
para 32 of my Memorandum No. 2022
of the 22nd October 1870 forming enclosure
No. 1 of Captain Pakes letter to your
address No. 2133 of 3rd instant.

I have &c
L. M. Payne Major
A. S. Superintending Engineer
8th D. W.

John Smith George
25th Nov 70

Public Works 1870 Department
From ~~2207~~ 2865
The Tg/ Supg/ Engrs
To 8th Div
The Secretary to Govt
D.W.

Dated 11 Nov 1870
Received 11th Nov 70

No 2865

Ordered to be recorded with reference to
H.R. 11, 1971 of 15 August 1870. Appending
Caption Order to separate with return at signature
referred Mr. Colquhoun.

N
[Signature]

Enc: 1
No 2865 - 28th Nov 70
Submits for the infor-
mation of Govt copy
of the order passed by the
Civil Court Timorville
in the suit for damages
instituted by Sub Engrs
Mr Colquhoun
With an order

C. 16 Nov 1870 197

Mothe Brothers of Interior
Recorded.

C. 124606

Govt. of 1870: 341 cas

PUBLIC WORKS.

To

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By

For

C. O. 281 over. 2865.

Nos. 577 & 578

Suit. Letter from the City of
the City of submitting a
copy of the ^{order} ~~proceedings~~ ^{proceedings}
by the Civil Court at Minersville
in the suit for damages
instituted by the City of
the City of against the