

(1) Number of pages _____

(2) Date of repair _____

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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 3060

Press
Mis.

361-62

Dated 16-12-1870

Not to be folded or roughly handled

No. 361. Read the following letter from the Acting Superintending Engineer, 1st Division, to the Secretary to Government, Public Works Department, dated Dowlaishweram, 24th November 1870, No. 2,845:—

I HAVE the honour to forward, for the favourable consideration of Government and order thereon, copy of a letter, with enclosure, received from the Executive Engineer in charge No. 3 Range, Godavery, requesting that he may be reimbursed the expenses incurred in staying proceedings against him in a suit brought by a Brick Contractor in the Sudder Ameen's Court at Rajahmundry when temporarily in charge of the No. 1 Range, Godavery.

2. It will be observed that this suit was originally instituted in the Cocanada District Moonsiff's Court against Major Stoddard, Executive Engineer in charge No. 1 Range, Godavery, and his Goomastah, prior to the former leaving the district in 1864, by a Brick Contractor whose bricks had been rejected, and as Mr. Rundall relieved Major Stoddard and held charge of the No. 1 Range in addition to his own for two months, his name was substituted as defendant in the suit.

3. It will further be observed that the decree of the Cocanada District Moonsiff's Court, which was in favour of Major Stoddard, was appealed against and reversed by the Sudder Ameen at Rajahmundry, of which, however, Mr. Rundall was not made acquainted with.

4. Under these circumstances, and as it appears to me that the decree of the Sudder Ameen's Court at Rajahmundry, from no notice of the appeal having been served upon Mr. Rundall, is illegal, I trust that Government will be pleased to accord their sanction to the claim preferred by that Officer.

From J. W. RUNDALL, Esq., Executive Engineer, Godavery District, to the Superintending Engineer, 1st Division, dated Nursapore, 2nd November 1870, No. 637.

I HAVE the honour to bring to your notice that, on the 29th November last, I was called upon by warrant from the District Moonsiff's Court at this place to pay the sum of Rupees 58-4-6, for which amount a decree had been passed against me in the Sudder Ameen's Court at Rajahmundry so long ago as the 28th August 1866.

2. I had heard nothing whatever about any suit being instituted against me, and had never been called upon to defend any suit, and was therefore quite at a loss to know how I had become liable. I had therefore to apply for the warrant to be stayed against me until I could find out something about the suit.

3. It then appeared that in 1864, shortly before leaving the district, a suit for Rupees 70 had been instituted in the Cocanada District Moonsiff's Court against Major Stoddard, Executive Engineer in charge of the No. 1 or Eastern Delta Range, and his Goomastah, Yerramilly Sambiah, by a Brick Contractor whose bricks had been rejected by them. I relieved Major Stoddard in September 1864 and held charge of that Range in addition to my own for two months, till relieved by Mr. G. S. Sage, Executive Engineer. My name was substituted as defendant in the suit, and was not removed on my being relieved. No action was taken by me, as the suit was not heard while I was in charge.

4. In the Cocanada Moonsiff's Court the suit was given in Major Stoddard's favour, but the decree of the Lower Court was appealed against in the Sudder Ameen's Court at Rajahmundry, my name still standing as defendant, together with Major Stoddard's and the Goomastah's, by whom the bricks were, in the first instance, rejected, and the Sudder Ameen reversed the District Moonsiff's decree ordering half the amount, which, with costs, now amounted to Rupees 100-12-0, to be paid

*Proceedings of the Madras Government, Public Works Department,
16th December 1870.*

by me, and half by the Goomastah Sambiah. I beg again to state that I was never called upon to defend this appeal suit, nor was any notice of the original decision of the Cocanada Court, or of the appeal to the Sudder Ameen's Court, ever served upon me, till in November of last year the warrant was issued against me.

5. As I believed that the decree of the Sudder Ameen's Court was clearly illegal, owing to notice of the appeal not having been served; that had the defence of this suit been conducted by the Officer in charge of No. 1 Range, who had possession of the original documents relating to the transaction, the original decree of the Cocanada Court would have been upheld, I appealed to the Sudder Ameen's Court to reverse the decision as against me, in order that a proper defence to the suit may be made by the Officer in charge of No. 1 Range.

6. I beg to forward copy of my application to the Sudder Ameen's Court for the rehearing of the suit, together with the Court's decision thereon.

At the Narsapore Court.

1 Stamped paper for Vakaltunama to the Pleader to give petition that I am not to pay the money	...	...	...	Rs. A P.	Rs. A. P.
1 Do. for petition	...	...	...	0 8 0	
3 Do. for do. for time to obtain copies of records	...	...	...	1 8 0	
1 Do. for do. to cancel the warrant on the Sudder Ameen's decision	...	...	...	0 8 0	
Fee of Pleader	...	...	...	2 0 0	

At the Sudder Ameen's Court.

2 Stamped papers for application for copies of records	...	...	...	0 2 0	
Fee of Volunteers to take copies	...	...	...	3 2 0	
2 Stamped papers for Vakaltunamas to the Pleader	...	...	...	1 0 0	
1 Do. for review petition	...	...	...	7 0 0	
Batta to Peons who took notices to the Appellants	...	...	...	2 0 0	
1 Stamped paper for petition to write to Narsapore Court to stop the warrant.	...	...	...	0 8 0	
Fee of Pleader	...	...	...	4 0 0	
				17 12 0	
Total...	...	...	...	23 12 0	

7. The expenses incurred by me amount to Rupees 22-12-0 as per margin, and as it is through no fault of my own that I have been called upon to pay this, I trust you will be good enough to apply to Government to reimburse me this amount.

No. 362. ORDER THEREON, 16th December 1870, No. 3,060.

ESTABLISHMENT, No. 24.

It appears from these papers that in 1864 a suit was brought in the District Moonsiff's Court at Cocanada against Major Stoddard, late an Executive Engineer in charge of No. 1 Range of the Godavery District, and his Goomastah Yerramilly Sambiah, by a Brick Contractor whose bricks had been rejected. Shortly afterwards Major Stoddard leaving the district, Mr. Rundall held temporary charge of his Range in addition to his own for about two months, and was thereon included in the suit as third defendant. The suit was decided by the District Moonsiff in favour of the defendants, but, on appeal, the decision was reversed by the Principal Sudder Ameen of Rajahmundry, who ordered the amount, inclusive of Court costs, namely, Rupees 100-12-0, to be paid in equal portions by Mr. Rundall and the Goomastah. Having been relieved of the charge of the Range and not having been served with a notice of the appeal, Mr. Rundall knew nothing of this order till, in November of last year, he was required by a warrant to pay his share of the amount of the Judgment, and in taking steps to endeavour to stay proceedings, had to incur an expenditure of Rupees 22-12-0 which he requests may be reimbursed.

2. Looking to the peculiar circumstances under which Mr. Rundall was called upon to undergo the expenses in question, His Excellency the Governor in

*Proceedings of the Madras Government, Public Works Department,
16th December 1870.*

Council resolves to instruct the Acting Superintending Engineer to disburse the amount and to direct the Controller of Public Works Accounts to arrange for its adjustment.

(True Extract.)

Colonel, R.E.,

Secretary to Government.

To the Acting Superintending Engineer, 1st Division.
" Controller of Public Works Accounts.

Exd. E. C. Shunker.

Godavery

Govt. of (1870) Madras.

PUBLIC WORKS.

To

THE ACTING SUPERINTENDING

ENGINEER, 1ST DIVISION.

cc. cc. cc.

Dated December, 1870.

Recd.

Encl.

G. O., 16th December 1870, No. 3,060.

DECEMBER.

Nos. 361-362

Suit.—The Superintending Engineer of the 1st Division instructed to reimburse the expenses incurred by Mr. Executive Engineer Rundall in staying the proceedings against him in a suit brought by a Brick Contractor in Rajahmundry and the Controller of Public Works Accounts directed to arrange for its adjustment.

No 2045

Supg. Engineers Office, 1st Division
Dowlaiswaram 24th November 1870

50

From

The Ag. Supg. Engineer
1st Division

To

The Secretary to Government
P.W. Department
Madras.

Sir,

I have the honor to forward for the favorable consideration of Government, and order thereon, copy of a letter, with enclosure, received from the Executive Engineer in charge N. 3 Range Godavery, requesting that he may be reimbursed the expenses incurred in staying proceedings against him in a suit brought by a Brick Contractor in the Sudd. Amins Court at Rajahmundry when temporarily in charge of the N. 3 Range Godavery

Corawery.

2

It will be observed that this suit was originally instituted in the Coomada District Munsiff's Court, against Major Stoddard, Executive Engineer in charge No. 1 Range Corawery, and his Quamastah, prior to the former leaving the District in 1884, by a Brick Contractor whose bricks had been rejected, and as Mr. Randall received Major Stoddard and held charge of the No. 1 Range in addition to his own, for two months his name was substituted, as Defendant in the suit.

3

It will further be observed that the decree of the Coomada District Munsiff's Court, which was in favor of Major Stoddard, was appealed against, and reversed by the Sudder Amin at Rajahmundry, of which however Mr. Randall was not made a grantee with.

4

Under these circumstances,

and

and, as it appears to me that the decree of the Sudder Amin Court, at Rajahmundry, from no notice of the appeal having been served upon Mr. Randall, is illegal, I trust that Government will be pleased to accord their sanction to the claim preferred by that Officer.

I have the honor to be
Sir

Your most obedient servant

W. T. Kirkbr Major P. E.
Ag. Supg. Engineer 1st Division

Noty
Thond.

8300 Western Delta Range
Kucapin 2^d November 1870.

J. W. Randall Esquire
Executive Engineer
Godavari District

S.

Major J. H. Fisher M.P.
Superintending Engineer
1st Division

Sir,

I have the honor to bring to your notice that on the 29th November last I was called upon by warrant from the District Munsiff's Court at this place to pay the sum of Rs 58-4-8 for which amount a decree had been passed against me in the Sader Amin's Court at Rajahmundry so long ago as the 28th August 1866.

2. I had heard nothing whatever about any such being instituted against me, and had never been called upon to defend any such, and was therefore quite at a loss to know how I had become liable. I had therefore to apply for the warrant to be stayed against me until I could find out something about the suit.

3. It then appeared that in 1864 shortly before leaving the District a suit for Rs 70 had been instituted in the Coimbatore District Munsiff's Court against Major Stoddard Executive Engineer in charge of the No 1 or Eastern Delta.

1870
11th Nov 1870

1866

Office of the
1st Division

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To
The Sudder Ameer's Court
Rajahmundry
Original Suit, Coonada District
Moonsiff's Court No 192 of 1864.
Appeal at Rajahmundry
Sudder Ameer's Court No 94 of 1865.

Application made by J. W. Puntis
(Squire) (who is called as 3rd defendant in the
the above suit) Station for the present
Narasapur, with reference to the decision
of the Civil Procedure Code for the
review of the above suit.

I beg to request that the Sudder Ameer's
Court will be pleased to rehear the above
suit brought by complainants Yilla
Balaraniak and Vullisi Swamy, and
reconsider Your Court's decision dated
20th August 1866 on their appeal, that I
(as 3rd defendant) and the 2nd as man by
name Yerramilly Sambiah should
pay the amount claimed by the above
named men in their appeal petition, with
the Court expenses, for reasons stated below.

Sd/- Ch. Pro. & Secy.

1874.5.5.8.14.

Enclosure in a letter

of the 20.4.5.1865

24.4.5.1865

the 25.4.5.1865

26.4.5.1865

27.4.5.1865

28.4.5.1865

1 When the suit in the Coconada Court was first instituted, Major J. Stoddard was the Executive Engineer in charge of the Range, and was said to be the first defendant in this suit. When he was transferred to some other province, I was only temporarily in charge of that Range for two months and four days, viz from 22nd September to 26th November 1864, and handed over the charge to Mr. J. A. Sage who was permanently posted as Successor to Major Stoddard.

After the above mentioned date, viz 26th November 1864, it appears that on January 1865 the Coconada Court dismissed the suit brought by above named individuals as against the defendants Major Stoddard, &c.

2 The parties included my name in the suit instead of Major Stoddard, for the reasons given in para 1, viz that I held charge of the Range for a short time, but I took no part whatever in the suit, and this can be proved from the records.

3 In the same way that I was made a defendant when I had relieved Major Stoddard, Mr. J. A. Sage who was permanently posted to that Range, and who relieved me should have been called upon by these complainants to defend the suit in lieu of Major Stoddard or myself, but they

they entirely failed to do so, I therefore trust that the Sader Ameen's Court will now consider that it is an intentional omission on their part, and that I am not the one who should be answerable to the decree passed against me.

4 Besides this, the Court will observe by the evidence given by an Overseer C. Venkata Ratnam who was called as a witness by the appellants, who were defendants in the cross suit No 92 of 1865, which relates to the same transaction, that it is, viz that the money claimed, viz Rs 70, the then been remaining with the Overseer, viz was ordered by the said 1st defendant.

5 Major Stoddard, to be credited to Government.

6 Still I had notice or warrant from the Narsapur Court on the 30th November 1869, I was not aware of an appeal having been made by these parties, and the fact that the Sader Ameen's Court had passed a decree against me, and this can well be proved by the records of the suit in the Court, no answer to the appeal having been filed by me.

7 I therefore request the Sader Ameen's Court, will under the circumstances now brought to notice, be pleased to review the case, and relieve me from being considered

Considered a defendant of the suit, and
also justly order the parties to pay me the
expenses I incurred in this case.

Order on E. O. No 673 of 1870.

It seems that the appeal decree went
against the 3rd defendant in the capacity of,
Engineer, so the decree may be executed
against the Officer who succeeded him in Office.

The Petitioner may, therefore, apply
to the District Munsiff, to carry on the
execution of the Decree against his Successor,
and not against himself, (but this Court
cannot interfere as requested).

Rajahmundry. } Sd/ S. Venkataswamy
31st August 1870. } Principal Sudra Memr.

Translation
True Copies/
H. W. Rendall

Executive Engineer
No 3 Pooner Gody Rd

Recd. 1st Dec 70
1870

No 3060
Mr. of the Madras Govt.

Read the following:-

From the Hyderabad
1st Dec 70 (R.R. No 2825 of 24 Nov 70)

It appears from his
papers that in 1864 at the
was brought in the District
Munsiff's Court at Cocanada,
against Major Stoddard
late an Executive Engineer
in charge of No 1 Range
of the Godavery District
and his Gornastah
Yerramilly Sambiah,
by a brick contractor
whose bricks had been
rejected. Shortly afterwards

Major Stoddard leaving
the District Mr. Randall
held temporary charge
of his Range in addition
to his own for about
two months, and was thereon
included in the suit as
a defendant. The
suit ^{was} decided by
the District Munsiff in
favor of the Defendants,
but on appeal, the
decision was reversed
by the Principal Sudder
Amien of Rajahmundry,
who ordered the amount
including of Court costs
viz Rs 100-12-0, to be paid
in equal portions by

Mr. Randall and the Gooma-
-bah. Having been relieved
of the charge of the Range
and not having been served
with a notice of the Appeal
Mr. Randall knew nothing
of this order till, in November
of last year, he was required
by a Warrant to pay his
share of the amount of the
Judgment, and in taking
steps to endeavour to stay
proceedings, had to incur
an expenditure of Rs 22-12-0
which he requests may
be reimbursed.

Looking to the pe-
-culiar circumstances
under which Mr. Randall
was called upon
to

to undergo the expenses
in question, His Excel-
lency, the Gov^r in Council
resolves to instruct
the Acting Supt of Eng^s
to disburse the amount
and to direct the Com-
roller of Public Work
to arrange
Accounts for its adjust-
ment.

W. B.

To The Supt of Eng^s 1st Regt
5th Cont^l Regt 17/12/70

20th 1850

Govt. of Madras.

PUBLIC WORKS.

To The Supt. Engineering
1st Division

Dated

Recd.

2

G. O. 16th Dec 1850, No. 3060.

Nos. 361 & 362

Order. The Supt. Engineering
instructed to reimburse the
expenses incurred by Mr. S.
Capt. Randall in pursuing the
proceedings against him in a
tribe brought by a brick cart
in the neighbourhood of the
Cantonment of R. S. S. S. S. S.
during for its removal.