

- (1) Number of pages 16
(2) Date of repair 27-9-51
(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

Government of Madras

Public Works

DEPARTMENT

G.O. No.	406.	Press
B.P. No.		Mis.
Dated	15-2-	1876.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
15th February 1876.*

No. 252. Read the following letter from J. D. GRANT, Esq., Officiating District Engineer, Tinnevelly, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Palamcottah, 4th February 1876, No. 125 :—

I HAVE the honor to report that the plaintiffs in the suit referred in G.O., No. 549, of 3rd March 1874, appealed against the decision of the Subordinate Court, and that, acting on the permission granted in G.O., No. 268, of 27th January 1873, I defended the case.

1 Bill for Rupees 21-8-6.
1 Copy of Decree.
1 " of Judgment.

2. The case was again decided against the plaintiffs by the District Judge, a copy of whose judgment and decree I enclose, and Rupees 7-2-8 costs were allowed.

3. The Government Vakeel having previously appeared on behalf of the plaintiffs could not appear for Government in the Appeal Suit, and the Vakeel nominated by him to do so has forwarded the enclosed bill for Rupees 21-8-6 for expenses, for which sum I request sanction. The Government Vakeel in forwarding the bill states that he considers the sum asked "a fair remuneration for conducting the case."

No. 253. ORDER THEREON, 15th February 1876, No. 406.

ESTABLISHMENT, Nos. 14 & 15.

SANCTIONED accordingly for Rupees 21-8-6 and to be charged to "Contingencies."

(True Extract.)

(Signed) G. W. WALKER, Major-General, R.E.,
Secretary to Government.

To the District Engineer, Tinnevelly.
" Controller of Public Works Accounts.

Exd. S. T. Austin.
Spare Copies

In the District Court of Annamally Thursday
the Twenty Sixth day of August nine thousand eight
hundred & seventy five.

Present.

Francis Culling Barr Esquire.

District Judge.

Appeal Suit No 213 of 1874.

Sayakobai Syed Mahomed & another	}	Appellants. (Plaintiffs)
Kolungu Kinnu Mithi lebbey & 12 others		
	}	Respondents. (Defendants)

This appeal coming on for hearing: the Court deli-
vered the following.

Judgment. I can see no reason to alter the
Judgment of the Subordinate Court.

3. The plaintiffs seek to stop the work of the Depart-
ment of Public Works in closing one opening in a
Calingulak & opening another.

3. The only trustworthy evidence as to the effect of the
work is that of Mr. Randall the District Engineer,
& he shows that no damage is likely to occur to the
plaintiffs' property except in case of an extraordi-
nary flood, and in such cases damage is universal
& unavoidable. The District Engineer has, evidently
after full consideration & examination done what
was best in the case.

4. The plaintiffs' evidence is of no value against
what is given on the other side.

5. The original judgment is confirmed & this appeal dismissed with costs.

(Signed) S. K. Laxmi
District Judge

(True copy)

(Signed) S. Dandamay
Sheristadar

(Signed) K. Subramaniam
Head Writer

(True copy)

W. Hunt
Offg District Engineer
Tinnevely

74

5E

10/1/1911

500

10/1/1911

Encl: 2nd 3. in a letter
from the Off^r Dist
Cuz^r Trinnevelly dated
14th February 1876
125.

For

The Secretary to Govt
D. P. W.

Copy of Judgment

17.9.54/96.

No. 15 Feb 76 B. 152

In the District Court of Trinnevelly
Thursday, the Twenty Sixth day of August,
one thousand, eight hundred & seventy five.

Present:

Francis Bullingbarn Esquire
District Judge.

Appeal Suit No. 213 of 1874.

1. Sayalebbai Syed Mahomed son of
Syed Meethi Lebbai and 2 Sayam
Mahomed Meethi Tarakan son of
Sayam Syed Tarakan of Melapalam
Kottikulam in the Trinnevelly Taluq. (Appellants
(Plaintiffs))
1. Kaluga Simamneethal, 2 Mayli Manma-
dasan, 3 Kali Shirsasi, 4 Kali
manastan, 5 Meekathi Manman, 6 Patta-
manamithir Pillai, 7 Manasas Araker,
8 Alli Adumman Meethi, 9 Sannugathi
abdul Saik, all residing at Karingolam
in the Trinnevelly Taluq. (Respondents)
- 10 Thackadikozh Mahomed Tharakan
of Melapalam in the said Taluq. (Defendants)
- 11 J. W. Randall Esq District Registrar
of Trinnevelly.
- 12 J. D. Grant Esq Assistant Registrar
of Trinnevelly and
13. Anthukumarasami Pillay, Overseer
of the Trinnevelly Taluq.

Appeal against the Decree of the Subordinate Court at Tirunelveli in original suit No 153 of 1872 dated 22 December 1873.

Grounds of Appeal:

1. That the action of the Department of Public works is likely to cause damage to the Plaintiff's property is proved by their witnesses 1, 2, 3, 5 and 6 and by Documents A, B and C.
 2. That the District Judge's deposition is of no use in this case, he being the chief opposing defendant.
 3. That certain statements of the District Engineer are favorable to their cause.
- Decree This appeal, coming on for hearing upon perusing the grounds of appeal, the decree and the judgment of the lower court and the material papers in the suit and upon hearing the arguments of Gopalalingam Vakeel for the Appellants and of Ramakrishnan Vakeel for the 11th Respondent the 10th Respondent appearing in person the other Respondents not appearing in person or by Vakeel this Court doth order and decree that the decree of the lower court be, and the same hereby is, confirmed and this appeal dismissed and this Court doth further order & adjudge that the Plaintiffs (Appellants) do pay the costs of 10th and 11th Defendants (10th and 11th Respondents) and that the interest on costs be at 6 per cent per annum.

Memoirandum of Costs.

Appellants (Plaintiffs) costs.

Stamp for Vakalatnama	Rs	8	0		
Vakeel's fees	Rs	10	8		
Stamp for Appeal Memo.	Rs	10	0		
DE for copy of original decree	Rs	1	0		
Copying hire of DE	Rs	8	2		
Expenses for serving processes	Rs	10	8		
To be borne by appellants (Plaintiffs)				29	2 10

11th Respondents (11th Defendants) costs.

Stamp for Vakalatnama	Rs	8	0		
Vakeel's fees	Rs	10	8		
To be paid to 11 th Respondent by Appellants				7	2 8

10th Respondent (10th defendant) incurred no costs.

[Signed] J. L. Carr.

District Judge.

[True copy]

[Signed] J. Dorasamy,
Sheristadar

[Signed] B. Soobramaniam,
Head Writer

[True copy]

J. Dorasamy
off^{ce} District Engineer -
Tirunelveli

No 125 District Engineer's Office
Palamcottah. 14th February 1876

From, J. D. Grant Esq.
Off^r District Engineer
Tinnevely

To, Major General G. C. Walker M.C.
Secretary to Government D. P. O.
Madras

Enclosure. 3.

1. Bill for
Rs 21-8-6.

1. Copy of Decree
1. Dec of judgement

Sir, I have the honor to report that the plaintiffs in the suit referred in G. O. No 549 of 3rd March 1874, appealed against the decision of the Subordinate Court and that acting on the permission granted in G. O. No 268 of 27th January 1873 I defended the case.

2. The case was again decided against the plaintiffs by the District Judge, a copy of whose judgement and Decree I enclose, and Rs 7-2-8 Costs were allowed.

3. The Government Advocate having previously appeared on behalf of the Plaintiffs could not appear for the Government in the Appeal suit and the Advocate nominated by him to do so has forwarded the enclosed bill for Rs 21-8-6 for expenses, for which

Enclosed in a letter

from the Off^r Dist

Eng^r Tinnevely dated

14th February 1876

125.

do.

The Decree to Govt

D. S. W.

Copy of Decree -

11/12/96
11/15/96
11/16/96
11/17/96

sum, I request sanction. The Govern-
ment taking in forwarding the Bill
states that he considers the sum asked
"a fair remuneration for conducting
the case."

I have the honor to be
Sir
Your most obedient servant

J. D. Hunt
Offg District Engineer

132

Reporting on the
decision of Appeal Suit
in Kammarakulam
case and requesting
sanction for the expenses
incurred - No

No 125
21-8-8
21-8-8

Dated 1st
Received 1st

Dr. The Secretary to Govt
D.P.W.

Throug.

The Offr Dist. Ings

Ministry

No 125
21-8-8
21-8-8

N. 252-

FORMER CASES.

Current No. 359 of 1873.
" 940 " 4
" " "
" " "
" " "

Printed at the

No 406 Estate

Sanctioned accordingly
for Papers 21-8-8 and
to be charged to "em-
ergencies."

11.9/2

13 July 1876
LATER CASES.

Current No. of 187
" " "
" " "
" " "

N. 252-253

Dr. 29. 2. 76

D. C. Minnivally 5

Conts P.W. Agents with Bill
Cir 12-2-76

W. 1876 Sept.
M. WORKS FORM No. 3.

Current No. 954

From

The St. Supr.
Tinnivally

No. 125
Dated 4
Recd. 7
February 1876.

Subject:- Reporting on the
decision of Appeal Suit
in Kammarakulam
Case & requesting sanc-
tion for the expenses
incurred.

ENCLOSURES. 3

From to

9/2 11.9/2

With order

Orders and Proceedings in file.

Depart- ment.	No.	Date.	ENDORSEMENTS.		
			Depart- ment.	No.	Dated.
P.H.D.	268	27/1/73			
"	549	3/3/74			

40 D. J. Finnelly -

Date: 3

Issued

Rec'd.

Fig. 7.

G. O. Feb 15 1875, No. 400

Nos. 75-2-253

Unit in Connection with the
Cabinets of the President
- Truman, Bush, Kennedy
etc. — The term of (2)
21-8-6, in account of (2)
incurred in the — (2)