

(1) Number of pages 6
(2) Date of repair _____
(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 293

Press

~~Mis~~

Dated 30 — 1 — 1877.

Not to be folded or roughly handled

13

*Proceedings of the Madras Government, Public Works Department,
30th January 1877. No. 293.*

No. 602. Read the following letter from Lieutenant-Colonel R. B. KENNEDY, District Engineer, Malabar, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Calicut, 23rd January 1877, No. 200 :—

With reference to G.O., No. 810, dated 23rd March 1875, authorizing the pay-

1. From Executive Engineer, Ernaad Range, No. 352, dated 27th October 1876.
2. Do. do. No. 383, dated 29th November 1876.
3. Judgment and Decree of the North Malabar District Court in Original Suit No. 117 of 1875.
4. Decree of High Court in S. O. Suit No. 777 of 1876.
5. Bill of Costs incurred by Overseer Francis in defending the suit in the District Court, &c.

ment of Rupees 18-4-0 on account of expenses incurred by Overseer Francis in defending a suit brought against him by a ryot named Gnattiala Amboo, I have now the honor to forward original papers as per margin, and to state that the plaintiff, not being satisfied with the Telli-cherry Munsif's decision dismissing the suit, appealed to the District Court of

North Malabar, from whence it was remanded to the Lower Court, and thence sent up again to the District Court, the Judge in the latter court dismissing the appeal.

2. Against this decree the plaintiff made a special appeal to the High Court, which, by its decree dated 15th ultimo (original enclosed), upheld the District Judge's decision, and dismissed the Special Appeal with costs.

3. The Government Pleader at Madras, who defended the Overseer in the Special Appeal at my request, claims Rupees 5-12-10 as his fee, and Overseer Francis having employed a Vakeel to defend him once in the Munsif's Court (in the Remand Proceedings), and twice in the District Court, has sent a bill for Vakeel's fee, &c., for Rupees 82-13-6; but the costs awarded by the District and High Courts are only Rupees 6-4-10 and Rupees 9-11-10, respectively.

4. I believe that by application to the District Munsif's Court the plaintiff may be compelled to pay all the costs of the suit and appeals, and I shall be glad to know whether Government will authorize proceedings being taken for that purpose. It seems to me that it is worthwhile to teach such complainants that vexatious and frivolous suits of this nature cannot be brought with impunity. Meanwhile I have the honor to request that payment of the costs already incurred may be sanctioned.

No. 603. ORDER THEREON, 30th January 1877, No. 293.

ESTABLISHMENT, No. 31.

PAYMENT of costs is sanctioned, and authority is granted for proceedings being taken for their recovery from the plaintiff.

(True Extract.)

Lieut.-Colonel, R.E.,
Secretary to Government.

To the District Engineer, Malabar.
" Examiner of Public Works Accounts.
Exd. S. T. Austin.
Spare Copies

Malabar District Engineer's Office
No. 200 Calicut 23rd January 1877.

From
The District Engineer
Malabar

To
The Secretary to Government
D. P. W. Madras.

Sir,

With reference to G. O. No. 810 dated 23rd March 1875, authorizing the payment of Rs. 18-4-0 on account of expenses incurred by Mr. Francis in defending a suit brought

against him by a Ryot named Gnathala Ambal, I have now the honor to forward original papers as per margin and to state that the Plaintiff, not being satisfied with the Tellicherry Munsif's decision dismissing the suit, appealed to the District Court of North Malabar, from whence it was remanded to the Lower Court, and thence sent up again to the District Court. The judge in the latter Court dismissing the appeal.

1. From Eng. Engr. Engr. Engr. Range No. 352 of 27th Oct 1876
2. Do. do. do. do. 29th Nov 1876
3. Judgment and decree of the District Court in S. No. 12 of 1875
4. Decree of High Court in S. No. 12 of 1876
5. Bill of costs incurred by overbur Francis in defending the suit in the District Court &c.

2. Against this decree the Plaintiff made a Special appeal to the High Court, which, by its decree, dated 15th Ultimo, / Original

(Original enclosed) upheld the District Judge's decision, and dismissed the Special Appeal with costs.

3. The Government Pleader at Madras who defended the Overseer in the Special Appeal at my request, claims Rs 5-12-10 as his fee, and Overseer Francis having employed a Vakul to defend him once in the Munsif's Court, in the Remand Proceedings, and twice in the District Court, has sent a bill for Vakul's fee 4⁰⁰ for Rupees 82-13-6. but the costs awarded by the District and High Courts are only Rs 6-4-10, and Rs 9-11-10 respectively.

4. I believe that by application to the District Munsif's Court, the Plaintiff may be compelled to pay all the costs of the suit, and appeals, and I shall be glad to know whether Government will authorize proceedings being taken for that purpose; it seems to me that it is worth while to teach such complainants that vexatious, and frivolous suits of this nature cannot be brought with impunity; and meanwhile I have the honor to request that payment of the costs already incurred may be sanctioned.

J

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I have the honor to be
Sir
Your most obedt. Servant
W. W. Kennedy. Esq.
District Engineer, Malabar

Qd 13-10-74 to 2926A
23-3-75-810.

P.W.D.

26 JAN 77

No. 750

These original Estimates returned
to the Dist Engr with C. No.
1582 of 77. on the 14-2-77.
Requests that the costs
incurred by the
transmission of documents
the Dist Engr's office
be sanctioned by a
sanctioned -

No 200
Dated 5.

Recd 23rd
Recd 26 3 January 1977

From
The District Engineer
Malabar
to
The Secretary to
Government. S. P. W.
Madras

No 602.-

Cir 27-1-77.

4-66

Public Works Department.

No 293

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the

30 Jan 77

Read the following:

From
The District Engineer
Malabar } (M No 200 dated 23rd Jan 1877)

Payment of costs is
sanctioned, and authority
is granted for proceedings
being taken for their re-
covery from the Plaintiff

Order

D. Malabar ✓

S. P. W. ✓

Recd

Dated 8-2-77

1877/5
Govt. of 1877 Madras.

PUBLIC WORKS.

To *The N.C. Malabar*

Dated *05*

Issued

Recd.

Encl.

G. O. *30th June* 1877, No. *293*

Nos. *ps 2. 653*

Unit brought against Dr.
Sur Francis by a copy
Malabar Unit.

The payment of cost on
account of the - sanctioned

Sur Francis