

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT.**

G.O. No.	571	Press <u>Mis.</u>
Dated	3 - 9.	11 1858

Not to be folded or roughly handled

Fort Saint George, Political Consultation, 7th September 1858:

No. 15. From CLEMENT DALE, Esq., Government Pleader, Sudr Udalut; to THOMAS PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 28th August 1858, No. 97.

SIR,

Minute of Consultation, 20th August 1858, receipt of an Extract from the Minute of Consultation, noted in the margin, accompanied by an Extract from the Proceedings of the Court of Combaconum under date the 24th July 1858.

2. By those Proceedings the Civil Court has remanded the O. S. No. 29 of 1856, to the files of the Subordinate Court for decision on the merits.

3. The Proceedings of the Civil Judge are objectionable, 1st, Because although he remands the case to the Subordinate Court for decision on the merits, he himself passes an opinion on those merits. And, 2ndly, Because although he so remands the case, and thus rescinds the decree of the Subordinate Judge, including the order regarding the costs against which an appeal was presented in the name of the Defendants, the Civil Judge has passed a decision on the point.

4. The Defendants are precluded from appealing to the Sudr Udalut against this decision, because as the decree of the Subordinate Court is remanded, that part of the order of the Subordinate Court, by which the Defendants were aggrieved is no longer in existence; The Defendants can suffer no injury from it, and have therefore no longer any cause of complaint.

5. The Civil Judge has ordered the costs of that summary Appeal to be paid by the Appellant (meaning the Defendants in the O. S.) and I am of opinion that no appeal against that Order could be sustained, for although it was on the Petition of the Defendants, and by which they have been relieved from the objectionable part of the Order, yet on that Petition the Plaintiff has succeeded in getting the case remanded.

6. I return the Extract from the Proceedings.

No. 16. ORDER THEREON, No. 571; dated 3rd September 1858.

Ordered to be communicated to the Commissioner of Tanjore, with reference to his letter of the 14th August, No. 311.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

No 571
 Ordered to be com-
 mitted to the Commission
 of Enquiry with reference to
 his letter of the 16 August No
 34.
 Fort St George }
 3rd September 1858 } J. P. S. 2/1/58

To the Commission
 of Enquiry
 with Extract from the Civil
 Court Case No. 1111 } J. P. S. 2/1/58

P.C. 24. Aug 2/58. 131/11

Vol. L. to Eng. 15. Sept.
No. 21 of 1858 Part 25.

Received 1858 Sept.
In L. to Eng. 15. Sept.
(With One Enclosure)

From Lord Plender L. to
To Chief Secy to Govt.

Dated 28. August
Recd 30 - "

No. 593.
U. 24

Purs. Acknowledging the 4th Sept
dated 20th Aug 1858 No. 534 &
its Accompaniment
3. Proceedings of Civil Judges
objectionable for reasons stated
4. Drafts precluded from Appeal
5. The Costs of Summary
Appeal to be paid by
the Appellants. Of opinion
that no Appeal against that
Order can be sustained
6. Retaining the Costs
from the Appellants.

W. H. A. J.

C. 31. Aug
1858