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Revenue Department

Minutes of consultations

2nd June 1857

Back Numbers 60-61

Order No 536 dated 2nd June '57

பாதுகாப்புப்பிரிவு-1

செப்பனிடுபவர் பெயர் .. [illegible]

செப்பனிடுவதற்காக
எடுத்துக்கொள்ளப்பட்ட நாள் .. 07/2006

செப்பனிட்டு முடிக்கப்பட்ட நாள் .. 11/2006

சரிபார்க்கும்
முதல் மு.நி.பா.எ.
கையொப்பம்

சரிபார்க்கும்
இரண்டாம் மு.நி.பா.எ.
கையொப்பம்

ஆராய்ச்சியுதவியாளர்
கையொப்பம்

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Fort Saint George, Revenue Consultation of 2d June 1857.

No. 60. Read the following Extract from the Proceedings of the Board of Revenue; dated 29th May 1857, No. 1804.

Read the following letter from T. J. KNOX, Esq., Acting Collector of Masulipatam; to J. D. SIM, Esq., Acting Secretary to the Board of Revenue, dated Masulipatam; 21st May 1857, No. 84.

SIR,

I have the honor to acknowledge the receipt of Board's Proceedings* dated 18th May, regarding the Vissunnapett case.

* *No.* 1628.

2. The Board have directed my attention to the concluding para. of the Government's order, and as I am doubtful as to what is expected of me, and as the Civil Court here is adjourned till 21st Proximo, I respectfully request further instructions.

3. If further time for appeal is required, it devolves on the Government Pleader Mr. Dale, as instructed by your Board, to move the Sudr Court for additional appeal time.

4. If I am intended to move the Court here for a review of judgment, I trust the Board will, in consideration of the importance of the case, request Mr. Dale to supply me before the 21st Proximo with reasons for such review, and I will take care the Vakeel here fully understands them.

5. The Board are aware 3 months from the date of Decree is the time allowed, within which a review of judgment must be sought, but I believe the Sudr Court is not closed and Defendant will probably appeal. I think it proper to remind the Board that if his appeal is admitted by the Sudr Court, and notice thereof received by this Court, our motion for review of judgment, must, in my opinion, be rejected by this Court. It appears to me Mr. Dale should be instructed to appear and oppose the admission of the appeal petition on the grounds that our intention is, on the Civil Court re-opening, to move for a review of judgment, and should the Sudr Judges reject this plea, it is in my humble opinion, desirable that Mr. Dale should at once enter a cross appeal, and endeavour to get, if possible, an order, for a trial denovo.

6. It is clear Government sought for the estate free of illegal encumbrances, but neither the Plaintiff nor the Judge sufficiently remarked the greatest encumbrance was the Decree, without which there could be no Rajeenamah. If one Court has considered original Suit No. 18 of 1838 fraudulent, the other declares it must be upheld in its integrity, and by no parity of reasoning that I can see, does the Decree fall, because the Rajeenamah has, on the contrary the latter has fallen, and the former is upheld. The question not yet tried is, whether the original Suit No. 18 of 1838 throws a legal burthen on the estate to be borne after the widow's death.

Resolved that the foregoing letter be laid before Government in view to its being forwarded to the Government Pleader.

2. On the re-opening of the Civil Court at Masulipatam, Mr. Knox will make the necessary application for a review of judgment, unless he receives other instructions in the interim.

(A true Extract and Copy.)

(Signed) J. D. SIM, *Acting Secretary.*

No. 61. ORDER THEREON, No. 536; dated 2d June 1857.

Ordered to be referred to the Government Pleader.

(Signed) H. FORBES,
Acting Secretary to Government.

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Revenue Department

Extract from the Proceedings of the Board of Revenue dated 23d June 1857.

No 1804

Read the following Letter

Extract from the Proceedings of the Board of Revenue dated 29th May 1857.

Read the following:

No 84.

From T. J. Knox Esq
Acting Collector of
Masulipatam

To J. D. Sim Esq.
Acting Secretary to the
Board of Revenue

Sir, Date Masulipatam 21st May 1857

I have the honor to acknowledge the receipt of Board's Proceedings
No 1528 dated 18th May, regarding the Vijeyanagrett case.

2. The Board have directed my attention to the concluding para of the Government's order, and as I am in doubtful as to what is expected of me, and as the Civil Court here is adjourned till

till 21st Proximo, I respectfully request fur-
ther instructions.

3. If further time for appeal is required, it devolves on the Govern-
ment Pleader Mr Dale, as instructed by your Board, to move the Sudr Court for additional appeal time.

4 If I am intended to move the Court here for a review of judgment, I trust the Board will, in consideration of the importance of the case, request Mr Dale to intimate me before the 21st Proximo with reason for such re-
view, and I will take care the Vakeel here fully understands them.

The Board are aware 3 — 6.
months from the date of Decree is the time allowed within which a review of judgment must be sought: but I believe the Sudr Court is not closed and Defendant will probably appeal. I think it proper to remind the Board that if his appeal is admitted by the Sudr Court, and notice thereof received by this

Court, our motion for review of judgment, must, in my opinion, be rejected by this Court. It appears to me Mr Dale should be instructed to ap-
pear and oppose the admission of the Appeal Petition on the grounds that our intention is, on the Civil Court reopening, to move for a review of Judgment, and should the Sudr Judges reject this Plea, it is in my humble opinion, desirable that Mr Dale should at once enter a protest against the appeal, and endeavour to get, if possible, an order for a trial denovo.

6. It is clear Government sought for the Estate free of illegal encum-
brances, but neither the Plaintiff nor the Judge sufficiently remarked the greatest encumbance was the Decree, without which there could be no Ra-
jeenamah. If one Court has consider-
ed Original Suit No 18 of 1838 fraudu-
lent, the other declares it must be up held in its integrity, and by no parity

parity of reasoning that I can see, does the Decree fall, because the Rajamanah has on the contrary the latter has fallen, and the former is upheld. The question not yet tried is, whether the original Suit No 18 of 1838 throws a legal burthen on the Estate to be borne after the Rajah's death.

Manalipatam,
Collectors Cutcherry,
21st May 1851.

I have &c
(Sgd) T. J. Rowe
Acts Collector.

Resolved that the foregoing letter be laid before Government in view to its being forwarded to the Government Pleader.

2. On the re-opening of the Civil Court at Manalipatam, Mr Rowe will make the necessary application for a review of Judgment, unless he receives other instructions

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instructions in the interim.

/ A true Extract Copy /

/ Sd/ L. B. Bowring
Acting Secretary

To
H. Forbes Esq
Acting Secretary to
Government,
Revenue Department.

Godavery

No 636. 2nd June

Sd/ W. Bowring

Rec.d 1857 Depart.
Cons.n Line.
No. 633

Extract from the Proceedings of the Board of Revenue

Dated 29th May 1857.
Rec.d
No.
No. 1804

Submitting, for the purpose of being forwarded to the Government Pleader, a letter from the Ag Collector of Masulipatam soliciting instructions in regard to the Vissumnapett case.

From the Govt. Pleader of the Sudr Adalut d/ 13 June 1857.
C No. 700 in 730

W Melvin order &
No. 836. 2nd June

No. 536
Ordered to be referred to the Government
Order
Jno St. George
2 June 1857

Copy to Govt Pleader.
Dis/ 2 6.

No. 60 & 61.