M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1303 Press / Mis.

34-35

Dated 27-9-1859.

Not to be folded or roughly handled

Proceedings of the Madras Government Revenue Department, from 24th September to 4th October 1859.

No. 34. Read the following letter from CLEMENT DALE, Esq., Government Pleader Sudr Udalut; to J. D. BOURDILLON, Esq., Acting Secretary to Government, Revenue Department; dated Madras, 22d September 1859, No. 113.

4th July 1859, No. 82. In continuation of my letter to your address of the date and number noted in the margin, I have the honor to enclose a copy of the Decree passed by the Court of Sudr Udalut in Appeal Suit No. 180 of 1858.

No. 35. ORDER THEREON, 27th September 1859, No. 1303.

Ordered that the foregoing letter be recorded.

(Signed) J. D. BOURDILLON,
Secretary to Government.

DECREE OF THE COURT OF SUDDER UDALUT.

Before the Civil Court of Calicut, Original Suit No. **2** *of* 1856.
Before the Court of Sudder Udalut, Appeal Suit No. 180 *of* 1858

Signed C. J. Hooper.
J. L. Strange
A. D. Phillips

SEAL OF THE COURT OF SUDDER AND FOUJDARY UDALUT.

Appellant.	*versus*	*Supplemental Respondent.*
ONDAN AMBOO.		MANAVICRAMA RAJAH.

The original plaintiff, the then Zamorin Rajah of Calicut, sued the defendant, the tahsildar of Calicut, for damages, because of his having referred to him, in an official communication sent for his information, under the appellation of Rajah, and not of Tambooran, the same being considered by the plaintiff derogatory to his dignity.

The original plaintiff having demised, the suit was continued by the successor to his station of Zamorin.

The civil judge held that the use of the term objected to did not amount to injurious defamation, so as to entitle the plaintiff to damages. The act being one in the repression of which the office holder of the dignity of Zamorin was interested, he allowed the present Zamorin to maintain the suit, and awarded him the costs, considering that the defendant had been guilty of a deliberate departure from local usage in the mode of address employed by him, the effect of which was to hurt the plaintiff's feelings, and to lower him in public estimation.

From this award the defendant has appealed, and is represented by the Government pleader Mr. Dale. The plaintiff is represented by Teroomala Charry.

Judgment.

The civil judge having acquitted the defendant of libel, the Court are led to suppose that his having decreed that the costs should be paid by him must be owing to his having considered him guilty of breach of privilege; and to his having taken this view of the nature of the plaint, they also attribute his having permitted the maintenance of the suit by the plaintiff's successor on his demise. The Court are unable to agree with the civil judge that an action is maintainable on the premises set forth. The mere circumstance that the act of one person is hurtful to the feelings of another gives no right of action; and the use of terms of address,

Sign'd C. J. C.
Register.

however contrary to usage, does not, in their opinion, amount to a breach of privilege calling for remedy by a judicial tribunal.

The Court resolve therefore to reverse the decree of the civil judge, and to dismiss the suit with costs.

കോഴിക്കോട്ടുള്ള സിവിൽകോട്ടയൽ .... പ്രതിനു കൊടുക്കേണ്ടതു

സദിന്നദാലത്തുകോട്ടയൽ ..... പ്രതിയുടെ മേൽ നടപ്പാൻ

ആജ്ഞാപിച്ചതു.

ആജ്ഞാവൃത്തി.

ഒന്നാമതു

സപ്പുമെന്റ കോഴിക്കോടി

മാനവിക്രമസാമൂതിരിരാജാവു.

വിധിന്യായം.

താഴെയിട്ടുള്ള എഴുത്തു എഴുതി എന്നുള്ള കുറ്റത്തിൽ നിന്നു സിവിൽജ്ജി
ന്നുവർക്കു പ്രതിക്കെതിരെ ഉണ്ടാക്കിയ ചിലവു ന്നുവൻറെമേൽ
പ്രമാണിച്ചു വിധിച്ചതു ന്നുവൻ സ്ഥാനമാനത്തിനു വിരോധമായിട്ടുള്ളതു കൊ
ണ്ടത്തിൽ ന്നുക്കപ്പെട്ടവനാണെന്നു വിചാരിച്ചിട്ടായിരിക്കുമെന്നു ഈ കൊടുക്ക
ലിൽ ഇരുന്നുവൻ സംശയിക്കുന്നുണ്ടു - ന്നുവാദിക്കാരൻ മനസ്സി
രിൻറെശേഷം ന്നുവകാശിയെക്കൊണ്ടു ഈ വ്യവഹാരം നടത്തുവാൻ സമ്മ
തിച്ചതും ന്നുവാദത്തിൻറെ രൂപത്തും സിവിൽജ്ജിന്നുവർക്കു ഈ വിഷയത്തിൽ
വിചാരിച്ചിട്ടെന്തു ന്നുകുന്നുവെന്നു ഈ കൊടുക്കലിൽ ഒന്നാമതായി വിചാരിക്കപ്പെടുന്നു - ഈ
ഏഷ്യുസംഗതികളിൽ ഒന്നാമതായും കൊണ്ടുവന്നുവാനായി ന്നുവകാശമുള്ളതുപ്പോ -
നാമവചനങ്ങൾ വടമാന്നതിൽ നടപ്പിനു വിരോധമായിട്ടില്ലെന്നുള്ള
തും ന്നുരാന്നുവാധിവരിസ്ഥലത്തുനിന്നു നിപ്പാനി വന്നതുകൊണ്ടു
സ്ഥാനമാനത്തിനു വിരോധമായ ഒന്നു കുറവായിവന്നും എന്നു ഈ കൊടുക്കലിനു
ന്നുഭിപ്രായമില്ലാ.

ന്നുകൊണ്ടു സിവിൽജ്ജി ന്നുവർകളുടെ വിധിമാറ്റി കൊടുക്കുവി
ലവൊട്ടുകൂടി ന്നുവാദം നീക്കി വിധിച്ചിരിക്കുന്നു.

IN THE SUDDER UDALUT.

Appellant's costs.

Pleader's fee on Rs. 1,326-8-2...	66	4	9
1 Roll for brief appeal petition...	50	0	0
3 do. for detail appeal petition...	12	0	0
1 do. for vakalutnamah...	2	0	0
To be paid to the appellant by the respondent.. ...	130	4	9

Second Sheet.

Sd/- C. H. C.

Register

Respondent's costs.

Pleader's fee as above...	66	4	9
2 Rolls for appeal answer...	8	0	0
1 do. for vakalutnamah...	2	0	0
To be borne by the respondent.			76 4 9

IN THE ORIGINAL SUIT.

Defendant's (Appellant's) costs.

Costs as entered in the original decree to be paid to the appellant by the respondent...			493 4 0

Given under our hands and the seal of the Court, this second day of July, in the year of our Lord 1859.

By order of the Court of Sudder Udalut.

Signed and sealed in Court,
this 15th day of April 1859.

Register.

Register.

Third and last Sheet.

Register.

No 113

From Colonel Dale Esquire Gen.l Pbdcy Fort St George

To J. D. Bourdillon Esquire Acting Secretary to Government

Madras 22 September 1859

Sir,

In continuation of my letter to your address of the date and number noted in the margin, I have the honor to enclose a Copy of the Decree passed by the Court of Sudder Adalut in Appeal Suit No 180 of 1858.

I have the honor to be

Sir

Your Most Obedient Servant

Colonel Dale

Gen.l Pbdcy Fort St George

Rec'd. 22d July 1859
73-74
do 19th March 1858.
39-40

Revenue 1859 Department
Proof of Gent 4th Class £1-17-6 Ster
Stamp Duty Fees £1-17-6 Ster
To Acting Secretary to Govt
Dated 22d September 1859
Rec'd 22d

No.

(With an Enclosure)

Pro Letter Book of Revt
Page 1864 Dec 1859 Ctn 2395 to 2396

Enclosing Copy of the
Decree in A. S. Ct. No. 1859 Jan

No 1373

Recorded

27th Sept 1859

P 340-35