M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1584 Press ~~Mis.~~

Dated November 22, 1859.

10-11

Not to be folded or roughly handled

No. 10. Read the following letter from W. HUDLESTON, Esq., Acting Secretary to the Board of Revenue; to J. D. BOURDILLON, Esq., Secretary to Government, Revenue Department, dated 19th November 1859, No. 4750.

With reference to the Board's Proceedings dated 24th February 1859, reporting that A. S. No. 413 of 1857 on the file of the Civil Court of Calicut, had been decided in favor of the Collector, I am directed to submit herewith for the information of Government, a letter from Mr. Grant, dated 24th October 1859, intimating that the respondents have preferred a special appeal to the Sudr Adálat against the decree of the Civil Court.

Civil Court of the Zillah of Calicut.
A. S. No. 413 *of* 1857.
Appellant.
W. Robinson, Esq., Acting Collector of Malabar.
Respondents.
1. *Chembalasherry Alien gul Chereeamah (female.)*
2. *Her son, Chapa Hooroop.*

In Cons. 31*st October* 1859, *No.* 5380.

2. The Collector requests sanction for defending the appeal at the public expense, and the Board recommend that it be accorded and that the Government Pleader be authorized (by an order from Government in duplicate, as required by him) to appear in the higher Court. It is requested that in order to save time, the order of Government may be forwarded to the Government Pleader direct from the Government office, the time for putting in the answer expiring on the 28th instant, and too much delay having already inadvertently occurred in this office.

3. As the Government are aware, the original suit was instituted for the recovery of damages resulting from the sale of the property of the plaintiff. The Collector Mr. Clarke pleaded, 1st, that he was not responsible for the acts of his predecessor Mr. Conolly; and 2ndly, that the course pursued by Mr. Conolly was correct. The decree of the Subordinate Judge, was adverse on both points, but the Civil Judge, on an appeal from the Collector, over-ruled the decision of the lower Court, and declared that Mr. Clarke was not responsible for the official acts done by his predecessor Mr. Conolly, and against which no suit was filed in Mr. Conolly's life time, nor was defending when his successor took charge. The present special appeal is preferred against this last mentioned decision.

4. The Collector has prepared the draft of an appeal answer, but as the Government Pleader will conduct the defence, the Board would leave the preparation of the pleadings on behalf of the special respondent to him.

No. 11. ORDER THEREON, 22nd November 1859, No. 1584.

The Governor in Council hereby authorizes the Government Pleader to appear before the Court of Sudr Adálat on behalf of the Collector of Malabar in the special appeal suit No. 255 of 1859, instituted in that Court from the decree passed by the Civil Court of Malabar in A. S. No. 413 of 1857.

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

No. 4750.

From W. HUDLESTON, Esq., Acting Secretary to the Board of Revenue.

To J. D. BOURDILLON, Esq., Secretary to Government, R. D.

SIR,

With reference to the Board's Proceedings, dated 24th February 1859, reporting that A. S. No. 413 of 1857, on the file of the Civil Court of Calicut had been decided in favor of the Collector, I am directed to submit herewith for the information of Government, a letter from Mr. Grant, dated 24th October 1859, intimating that the respondents have preferred a special appeal to the Sudr Adawlut against the decree of the Civil Court.

Civil Court of the Zillah of Calicut.
A. S. No. 413 of 1857.
Appellant.
W. Robinson, Esq., Acting Collector of Malabar.
Respondents.
1 Chembalasherry Aliengul Cheree Amah (female.)
2 Her son Chapa Hooroop.

In Con. 31st October 1859, No. 5380.

2. The Collector requests sanction for defending the appeal at the public expense, and the Board recommend that it be accorded and that the Government Pleader be authorised, (by an order from Government in duplicate, as required by him,) to appear in the higher Court. It is requested that in order to save time, the order of Government may be forwarded to the Government Pleader direct from the Government office, the time for putting in the answer expiring on the 28th instant, and too much delay having already inadvertently occurred in this office.

3. As the Government are aware, the original suit was instituted for the recovery of damages resulting from the sale of the property of the Plaintiff. The Collector, Mr. Clarke, pleaded, 1st, that he was not responsible for the acts of his predecessor, Mr. Conolly; and 2dly, that the course pursued by Mr. Conolly was correct. The decree of the Subordinate Judge was adverse on both points, but the Civil Judge, on an appeal from the Collector, overruled the decision of the lower Court, and declared that Mr. Clarke was not responsible for the official acts done by his predecessor, Mr. Conolly, and against which no suit was filed in Mr. Conolly's life time, nor was depending when his successor took charge. The present special appeal is preferred against this last mentioned decision.

4. The Collector has prepared the draft of an appeal answer, but as the Government Pleader will conduct the defence, the Board would leave the preparation of the pleadings on behalf of the special respondent to him.

REVENUE BOARD OFFICE,
Fort St. George,
19th November 1859.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) W. HUDLESTON,
Acting Secretary.

Copies to Collector of Malabar, and Government Pleader Sudr Udalut.

Exd. J. Wright.

Rev: 1859 Depart.
Pro: of Govt. 30th November
No. 2128.

From.
The Asst. Secy. to the
Board of Revenue.

To. The Secy. to Govt.
Revenue Depart.

Dated 19th Novr. 1859
Desp. 19 — — —
Rec. 21st Do. — —

No. 4750.

Submitting a letter from the Collr. of Malabar reporting that the respondents in A.S. No. 413 of 1857 have preferred a Special Appeal to the Sudr Adalat against the Decree of the Civil Court & recommending that sanction be granted for defending the Appeal at the Public expense & the Govt. Pleader be authorized to appear in the higher Court.

No. 1584 — 22 Novr. 59.

With an Order
Manuscript illegible already

P. Cons. 15th March 1859. No 89-90

Rev. 1854 Department
Proc: of Govr. 30th Novr.
No. 2128
From
The Agent to the
Board of Rev.
To The Secy to Govt
Revr Dept.

Dated 19
Recd 24
Encl. 19
E.I. Ole. Letter
No 1754.
5 Encls.

No 1584 dd 22d Novr.

Submitting a letter from the Collector of Malabar reporting that the respondents in A.S. No 413 of 1857 have preferred a Special Appeal to the Sudr Adalut against the Decree of the Civil Court recommending that sanction be granted for defending the Appeal at the public expence and the Govt Pleader be authorized to appear in the higher Courts.

Will be an order

From the Govt. Pleader
dd 4th July 1860 Ct. 1366
Pro: dd. 118-119

From Bd. of Rev. dd 11th July
1860. Ole. 1433. Lodged

No 2044.

No 1584.

The Governor in Council
hereby authorizes the Government
Pleader to appear before the
Court of Sadr Adalat on behalf
of the Collector of Malabar
in the special appeal suit
No 255 of 1859 instituted in
that Court from the decree
passed by the Civil Court
of Malabar in A.S. No 413
of 1857.

Fort St. Geo.
22d Nov 1859.

To the Board of Revenue Dispatch 22 with 5 Encls.
" Government Pleader
in duplicate.