

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1830

Press
Mis.

158-159

Dated

10 10

1860.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
10th October 1860.*

No. 158. Read the following letter from CLEMENT DALE, Esq., Government Pleader Sudder Adalat, to J. D. BOURDILLON, Esq., Secretary to Government, dated Madras, 28th September 1860, No. 142:—

SIR,

1. I have the honor to acknowledge the receipt of the Order of Government of the date and number noted in the margin, and to report for the information of the Honorable the Governor in Council, that I have given the papers submitted to me careful consideration; I have likewise gone

3rd September 1860, No. 1,503, Revenue Department.

through the papers and notes in my possession from former references on the subject of the Ramnad Zamindari; and have prepared the enclosed written Statement of the case of the 6th Defendant, (the Collector) to be tendered to the Civil Judge at the first hearing of the Suit, under the 120th Section of the new Civil Procedure Act.

2. I have furnished to the Board of Revenue a copy of this Statement for their consideration.

3. As regards the evidence to be adduced on the part of the Collector, it is difficult to state precisely what documents or oral testimony should be tendered. The *onus probandi* rests with the Plaintiffs, and the Collector ought to have little more to do than watch the Plaintiffs' proceedings, and object to the reception of improper evidence, &c.; I have, however, in the accompanying paper sketched out the nature of evidence which it might be advisable for the Collector to be provided with, or so much of it as is procurable.

4. With these papers before the Government Vakil at Madura, I think the observations submitted to Government in my letter of the 20th June 1860, No. 83, paragraph 6, will apply equally to the present case.

5. The Collector of Madura has informed me he was searching for documents, and had applied for copies of documents filed by the Plaintiff and original Defendant, which would require time to procure, but when procured he would forward to me; it was desirable that (if practicable) I should have seen these before despatching the enclosed, but as they have not yet reached me, I would no longer delay forwarding the papers.

IN THE CIVIL COURT OF MADURA.

In O. S. No. 3 of 1856, wherein

1st. Coonjara Natchyar, alias Anandoye, wife of Mootoo Veja }
Ragoonada Saidoobady, a former Zamindar of Ramnad. } are Plaintiffs.
2nd. Her daughter Mungaleeswara Natchyar, wife of Sittea Narroina }
Taver. }

AND

1st. Purvada Vurdani Natchyar, widow of the late Ramasawmy Taver } is Original Defen-
and the present Zamindar of Ramnad. } dant.
2nd. Sevasawmy Taver son of Soondrapandya Taver of Ramnad. }
3rd. Villyanen, Private of the 6th Company, 1st Veteran Battalion, }
General No. 2,888. } are Supplemental
4th. Vejaia Ragoonada Ramasawmy Taver, son of Vijaia Ragoonatha } Defendants.
Mootoochella Taver of Ramnad. }
5th. Mootoo Ramalinga Taver, said to be an adopted son of the late }
Zamindar, and }
6th. V. H. Levinge, Esq., Collector of Madura. }

Written Statement of the case of the 6th Defendant.

I. The 6th Defendant submits as a question of Law to the judgment of your Honorable Court and as a part of his case that it is only in Suits where the Plaintiff cannot get at his right, without trying and deciding a case between co-defendants, that a Court will try and decide such case as between co-defendants and that it is only in such a case that co-defendants will be bound by a decree passed by a Court but if the relief sought by a Plaintiff does not require or involve a decision of any case between co-defendants, the co-defendants will not be bound, as between each other by any proceeding which may be necessary only to the decree the Plaintiff seeks. And in cases where co-defendants

T. 3rd October / 60 No 32-33

T. 23rd June / 60 No 295-296

1830
This letter and its enclosures will be forwarded to the Board of Revenue, with reference to the order Sept. 3rd No. 1503, in order to their being sent to the Col^l. for the purpose of his instructing the Gov^t. Nakhil at Madura in accordance with Mr. Dale's advice. —

[Signature]

1838-1839
Copy made to 1832
1830-1831
1830-1831
1830-1831

1840
10 October
To the Board of Revenue —

1860
29th of June / 60 No 295-296
From Gov^t Madras 3rd

To Secretary to Gov^t

Dated 28th / 29th September 1860

1842

(With 2 Enclosures)

Forwarded a copy of the order of the Board of Revenue to the Col^l. in order to be sent to the Gov^t. Nakhil at Madura in accordance with Mr. Dale's advice. —

1840
10 October
To the Board of Revenue —

1830-1831
Madras order —

Forwarded the order of the Board of Revenue to the Col^l. in order to be sent to the Gov^t. Nakhil at Madura in accordance with Mr. Dale's advice. —

1842

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Forwarded a copy of the order of the Board of Revenue to the Col^l. in order to be sent to the Gov^t. Nakhil at Madura in accordance with Mr. Dale's advice. —

1840

10 October

To the Board of Revenue —

[Signature]