M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2061 Press
~~Mis.~~

95-96

Dated 7—11— 1860.

Not to be folded or roughly handled

No. 95. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Sudder Adalat, to THOMAS PYCROFT, Esq., Chief Secretary to Government, dated Madras, 17th October 1860, No. 155 :—

SIR,

1. With reference to the orders of Government noted in the margin, I have the honor to report for the information of the Honorable the Governor in Council, that the Appeal Suits Nos. 127 and 129 of 1859, came on for hearing this morning before the Court of Sudder Adalat, when their honors the Judges at once, and without hearing Counsel, expressed a decided opinion that the Collector of Masulipatam was not a necessary party to the Original Suit, and had been improperly made a Defendant. To this the Pleaders for the Plaintiff and 1st Defendant did not offer any opposition, or suggest even a doubt of the propriety of their honor's opinion, but urged that as the error was made by the Civil Judge, it was hard the Plaintiff or 1st Defendant should suffer for *his* mistake. The Court however stated it was clear that the Collector was entitled to his costs of the Original Suit and of the Appeal Suit No. 127 of 1859 ; that the Plaintiff was the party against whom those costs must be awarded ; and that the Government must be relieved from further contesting the Suits ; however, on the Plaintiff's application, their honors stated that when they had heard the case on the merits, they would determine whether or not the 1st Defendant should recoup to the Plaintiff the costs he would have to pay to the Collector. The Pleader for the Zamíndár (Appellant in Appeal Suit No. 129 of 1859) then submitted to the Court that the Collector had voluntarily and improperly appeared and answered in that Appeal Suit. In this opposition he was assisted by the Pleader for the Plaintiff (who claimed to be heard under the reservation made by the Judges as to the party who was ultimately to pay the costs) ; but their honors expressed themselves as clearly of opinion, that owing to the manner in which the Petition of Appeal was framed, the Collector had a right to appear and answer. They remarked that there had been an error on the part of the Ministerial Officers of the Court in the way in which notice of the Appeal had been given, but that such error had been condoned by the acts of the Appellant's Pleader ; and therefore decided that the Collector was entitled to his costs ; and intimated that I need not appear further in the matter. I therefore retired leaving the Pleaders for the Plaintiff and 1st Defendant arguing the case on the merits.

Proceedings of Government 13th July 1859, *No. 933, Revenue Department.*
Do. 10th January 1860, *No. 55, Revenue Department.*

2. I have bespoken copies of the Decree, so soon as received I will do myself the honor of further communicating with you.

No. 96. ORDER THEREON, 7th November 1860, No. 2,061.

Ordered to be communicated for information to the Board of Revenue who will communicate it to the Collector.

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

Rec. 15: July 1859 No. 44-45.
– 10 Janry 1860 do. 110-111.

(4)

Revenue 1860 Depart
Pro: of Govt for Novr.

No. 2308

From the Govt Pleader
Sadr Adalat –

Dated 17 } October 1860
Recd 19 }

Reports that the Sadr
der Adalat relieved
the Govt from further
contesting the appeals
against the Decree in
O.S. No. 3 of 1857 on the
file of the Civil Court
of Masulipatam.

~~From Prof Rep~~ 27 Feby /61
C No. 576.

No. 2061. 7 Novr
Wilkinson

From Govt Pleader Sadr Adalat
D/15 Janry /61 C No. 157 in
Pro: 1 Feby No. 260

No 95 & 96.

28 October R 31

No. 2061

Ordered to be communicated for information to the Board of Revenue who will communicate it to the Collector

Fort St. Geo. 7 Novr 1860.

12 Copies. Board of Revenue Dis 58
1 – Govt Pleader

with a listing of the cases in which attended to the Govt Pleaders letter of July 4 –