M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2142 — Press / Mis.

253-257

Dated 15 — 11 — 1860.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 15th November 1860.

No. 253. Read the following Proceedings of the Board of Revenue, dated 10th November 1860, No. 5,224:—

O S. No. 1 *of* 1860. *Before the Civil Court.*

Rája Srímanta Rangaswámi Aiyengár Bahádur. } *Plaintiff.*

Versus

1. *Viráswámi Aiyer.*
2. *Collector of Trichinopoly.* } *Defendants.*

A. S. No. 13 *of* 1860. *Before the Sudder Adálat.*

Rája Srímanta Rangaswámi Aiyengár Bahádur. } *Appellant.*

Versus

1. *Viráswámi Aiyer.*
2. *Collector of Trichinopoly.* } *Respondents.*

Read letter dated 3rd November 1860, No. 157, from the Collector of Trichinopoly, forwarding copy of the Civil Court's Decree in Original Suit No. 1 of 1860, dismissing with costs, the above suit filed against the Collector in connection with the Trusteeship of the Srírangam Pagoda.

(In Cons., 6th Nov. 1860, No. 5,711.)

Read also letter dated 5th November 1860, No. 166, from the Government Pleader Sudder Adálat reporting that a notice has been served on him to the effect that A. S. No. 13 of 1860, (identical with the Original Suit above mentioned) will be brought on for hearing on the 22nd December next.

(In Cons., 6th November 1860, No. 5,699.)

1. Resolved that the letters above recorded be submitted for the consideration and orders of the Honorable the Governor in Council.

2. The ground of action in this case, was, as already reported to Government, an alleged transfer to Plaintiff by the 1st Defendant of the latter's office of Trustee of the Srírangam Pagodas. The Collector opposed the claim by pointing out that the Trusteeship was not a private right which 1st Defendant could transfer at his option, and that the right of appointment was vested in the Board of Revenue, acting under Regulation VII of 1817. The Civil Judge took the same view of the case, considering "that the Plaintiff's claim could not for a moment be upheld, that the "arguments advanced by the 2nd Defendant against it were unanswerable, and that none of the "reasonings or exhibits filed by the Plaintiff were calculated in any way to establish his right "to the Trusteeship of the Pagoda." He therefore dismissed the suit with all costs.

Board's Proceedings 30*th March* 1860, *No.* 1,605.

3. Against this judgment, the Plaintiff has appealed to the Sudder Court. Mr. Dale not having furnished the Board with a copy of the Memorandum of Appeal, they are unable to state the arguments on which it is based, but they are of opinion that it should be defended and accordingly recommend that Mr. Dale be authorized to appear on behalf of Government.

1 *Plaint.*
2 *Answer.*
3 *Copy of Decree.*

4. The Collector will be directed to forward immediately for the perusal of Mr. Dale, a translation, or copy, of the evidence, &c., recorded before the Civil Court, with the exception of the documents noted in the margin, which will be furnished from the records of the Board's Office.

5. The early orders of Government are requested on this subject, as the hearing of the Appeal is appointed for the 22nd December next.

6. With regard to paragraph 2 of Mr. Dale's letter the Board observe that as at present informed they do not see what object is gained by notice of suit being served on him, instead of on the Collector, and they think unless this practice is convenient to him it would be better to revert to the former usage. The objections they see to the new course are that several days are of necessity lost to the Collector, to whom a reference is almost always requisite and that a preliminary correspondence of a merely formal character passes between Mr. Dale and them, which would be saved, if notice were served on the Collector who would then submit the case complete.

(A true Extract.)

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

Proceedings of the Madras Government, Revenue Department,
15th November 1860.

No. 254. ORDER THEREON, 15th November 1860, No. 2,142.

1. Agreeably to the recommendation of the Board of Revenue, the Governor in Council hereby empowers the Government Pleader to appear before the Court of Sudder Adálat on behalf of the Collector of Trichinopoly, to answer the appeal from the Decree passed by the Civil Court of that District in O. S. No. 1 of 1860. The Government will, however, determine when a copy of the Decree shall be submitted whether the costs, if any be adjudged against the Collector, shall be borne by that Officer or the Government.

2. The Government approve the orders which the Board propose in paragraph 3 to issue to the Collector, and they concur in the views expressed in paragraph 5.

(Signed) J. D. SIM,
Acting Secretary to Government.

N° 166

From Clement Dale Esquire Government Pleader Sudr Adalat
To J. D Sim Esquire Secretary to the Board of Revenue

Madras 5th November 1860

Sir

Para 1 I have the honor to enclose for the information of the Board of Revenue, a Copy of the English portion of a Notice issued by the Court of Sudr Adalat in Regular Appeal Suit N° 13 of 1860 preferred against the Decree passed by the Civil Judge of Trichinopoly in O. S. N° 1 of 1860, whereby the Collector of Trichinopoly, or his Pleader, is required to appear at the hearing of the Appeal on the 22d of December next.

2 This Notice has been sent to me by the Registrar of the Sudr, after communication between us, with reference to the 345th Section of Act N° 8 of 1859: it appearing to both of us that such a practice may be more convenient than sending the Notice to the lower Court for Service, even if not strictly in accordance with the provisions of that Act.

3 If it be the intention of Government to defend this Appeal, it will be requisite that I should be furnished with an Order of Government (in Duplicate) authorising me to appear and defend the Suit, under the provisions of Regulation 14 of 1860 Section 37 Clause 3.

4 In which Case, I do myself the honor of requesting that I may be furnished, at your Earliest Convenience, with

copies or (if in a Vernacular language) translations of all the Pleadings, Evidence (both Oral and Documentary) and Decree passed by the Civil Judge in O.S. No 1 of 1860; and if the dispute be in respect of landed property a Correct plan of the Lands in que is desirable, together with a Concise Statement of the Case in Chronological Order, and the points to which you or the Collector may consider it desirable my attention should be particularly directed.

I have the honor to be
Sir
Your Most Obedient Servant

Govt. Pleader
Sadr Adalat

No 5099
From
The Govt Pleader
Dated 5 Nov 1860
Rec'd 6 Do
Copies
Rs 25-11-0

Principal & Co
vs Rs 25-11-0
Govt Pleader 1860

No 2142

Proceedings of the Madras Government
Under date the 15th Nov 1860

Read the following Pro-
ceedings of the Bd of Revenue

(1860 No 5324)

Copy

(28)

Regular Appeal No 13 of 1860
In the Sadr Court at Madras

Rajah Sreemunt Runga sawmy
Iyengar Bahadur by Jn W Brunson Esq } Appellant

Veerasawmy Iyer & Collector of
Trichinopoly } Respondents

Dale Esqre Govt Pleader Sudder Court
2d Respondent Collector of Trichinopoly

Take Notice that the above named
Appellant having preferred an Appeal to
this Court from the Decree of the Civil Judge
of Trichinopoly in Original Suit No 1 of 1860
wherein you were a Defendant the 22

to the appeal suit
instituted in that
Court from the decree
passed by the Civil
Court

if in a Vernacular language / translations of all

day of December next has been fixed for hearing the Appeal, and that on default of your appearance in person or by Pleader on the said date, the appeal will be heard and decided Ex parte in your absence

Sd/ C. F. Chamier Re
Registrar 25/6.

Madras
1st November 1860

Ls 5699 Ors 60
Ls Cos 6 Nov

15 Nov 60 No 2142

R.D.

No 2142

Proceedings of the Madras Government
Under date the 15th Novr 1860

Read the following Pro-
-ceedings of the Bd of Revenue

Submitting for orders of Government letters from the Collector of Trichinopoly and the Govt Pleader forwarding copy of the Civil Courts decree in O. S. No 1 of 1860 & recommending that Mr Dale be authorized to appear on behalf of Govt & defend the A.S. No 13 of 1860 preferred to the Sudr Court.

(Here enter 19th Novr 1860 No 5224)

Agreeably to the recommendation of the Board of Rev. the Govr is hereby empowers the Govt Pleader to appear before the Court of Sadr Adalut on behalf of the Collr of Trichy, & to answer to the appeal instituted ~~in that Court~~ from the decree passed by the Civil Court

Court of that dist. in
O.S. No 1 of 1860. The
Govt will, however,
determine when a
copy of the decree
shall be submitted
whether the costs,
if any heading
against the Collector,
shall be borne by the
Appeor or the Govt.

2. The Govt approve
the orders which the
Board proposes in
para 3. to issue to
the Coll.; and they
concur in the views
expressed in para
5.

2 Copies
To The Govt Pleader Dis/ 15
in duplicate
12 " Board of Revenue
with 4 Enclos

Revenue 1860 Sept.
Pro: of Govt for Nov.

No 2142.

Pro: of the Madras Govt.
D/ 15th Novr /60.

Board's Proceedings d/ 29th
Novr 60 C. No 2816.

From the Govt Pleader d/ 16 Sept 61
C. No 2213

Government Pleader
to appear before the Court
of Sudder Adalut on
behalf of the Collector of
Trichinopoly to answer
the appeal from the
Decree of the Civil Court
in O.S: No 1 of 1860.

Pro: of the Bd of Revt dt 23d
Sept 61 C. No 2277 in Pro
Pro from D. C. dt 1/61 C. No 2152
1860.

Govt Pleader
Answer to A.S. &
12 Sept 1860.

3-4
2-4-60
9-12
8-2-60
32-33
31-7-49

No 253 & 254.