M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2186 Press ~~Mis.~~

340-341

Dated 20-11- 1860.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 20th November 1860.

No. 340. Read the following Proceedings of the Board of Revenue, dated 24th October 1860, No. 4,879 :—

Read letter from the Collector of Kistna District, dated 29th September 1860, No. 213.

(In Cons., 4th October 1860, No. 4,991.)

In Cons., 7th August 1860, *No.* 3,861.

1. Resolved that the letter above recorded be submitted for the information of Government with reference to their Order, dated 6th August 1860, No. 1,309, Revenue Department.

Original Suit No. 2 of 1859, *on the Civil Court's file.*

In Cons., 2nd July 1860, *No. A.* 3,195.

2. The explanation offered by the Government Vakíl of the Civil Court of Guntoor, to the strictures passed on his proceedings by Mr. Dale in his letter dated 30th June 1860, No. 91, appears to the Board satisfactory as far as paragraphs 3 and 4 are concerned, but not with reference to the charge in paragraph 9.

3. The two principal points animadverted upon by Mr. Dale were, first, that the Vakíl did not plead the statute of limitation in bar to the Suit brought by Mutani Venkata Chárlu, the Plaintiff; and second, that he did not object to the Plaintiff's right to sue. As regards the first point the Vakíl explains that at the first hearing of the case he did plead the statute, and that the Court overruled his objections : and with regard to the second point he alleges that there is but one "worshipper" or rather officiating (అర్చకుడు) Priest. The Civil Judge in paragraph 9 of the Decree calls him the "*Inámdar*, or worshipper of the Pagoda," and it is evident from paragraph 11, that there were certain documents, whether genuine or not, in support of his claim to the Inám land in dispute, so that he had a *locus standi* in the Suit in respect of them.

4. It may be remarked, however, that all objections to a plaint must be taken in the *answer*, and not at a hearing of the case. In reply to this, the Vakíl states that he was on sick leave at the time of filing the answer, and that the document was prepared in the Collector's Office. Under these circumstances the Board would acquit him on the first two points.

5. In paragraph 9 of Mr. Dale's letter, and also in paragraph 10 of the Decree, it is shown that the Vakíl put in eight documents, but failed to authenticate them. The Vakíl's explanation tends to show that he filed these documents in pursuance of the Collector's orders; and that they were not proved because no witnesses had been summoned by the Collector. This explanation, however, is not satisfactory. It is the Vakíl's primary duty to attend to all the formalities required by law, and to point out to the Collector their importance and the manner in which they are to be observed, and he should on no account have filed documents which could not be proved. The Board consider the Vakíl to have evinced ignorance of his professional duties, and remissness in the discharge of them, and are of opinion that his place should be supplied by a person better acquainted with the procedure of the Courts, and capable of acting in reliance upon his own judgment instead of leaving the professional management of Public Suits to the Collector or his Office.

(A true Extract.)

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

No. 341. ORDER THEREON, 20th November 1860, No. 2,186.

The Governor in Council concurs with the Board in considering the Vakíl's conduct censurable but thinks it sufficient, on the present occasion to direct that he be warned of the consequences of any future remissness in the performance of his duties.

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

No. 4,879.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 24th October 1860.

Read letter from the Collector of Kistna District, dated 29th September 1860, No. 213.

(In Cons., 4th October 1860, No. 4,991.)

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3. The two principal points animadverted upon by Mr. Dale were, first, that the Vakeel did not plead the statute of limitation in bar to the Suit brought by Mootani Vencata Charloo, the Plaintiff; and second, that he did not object to the Plaintiff's right to sue. As regards the first point the Vakeel explains that at the first hearing of the case he did plead the statute, and that the Court overruled his objections: and with regard to the second point he alleges that there is but one "worshipper," or rather officiating (అర్చకుడు) Priest. The Civil Judge in paragraph 9 of the Decree calls him the "*Inamdar*, or worshipper of the Pagoda," and it is evident from paragraph 11, that there were certain documents, whether genuine or not, in support of his claim to the Inam land in dispute, so that he had a *locus standi* in the Suit in respect of them.

4. It may be remarked, however, that all objections to a plaint must be taken in the *answer*, and not at a hearing of the case. In reply to this, the Vakeel states that he was on sick leave at the time of filing the answer, and that the document was prepared in the Collector's Office. Under these circumstances the Board would acquit him on the first two points.

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(A true Extract.)

Secretary.

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

Copy to G. Thornhill, Esq., Acting Collector of Kistna District.

Exd. J. Wright.

Pro. 6th August/60 Nos. 64-65

29th July/59 Nos. 73-74

J.A

Nos 340 & 341.

C/O Nos. 816

(8) Revenue 1860 Depart.
Pros of Govt for Novr.

No 2510.

Proceedings of the Board of Revenue

Dated 24th
Desp 25th Octr } October 1860.
Rec 6th
Encls 1 ol letter
3 Encls

No 1879

Submitting for information a letter from the Coll. of Kistna District forwarding the explanation of the Government Vakeel of the Civil Court of Guntoor to the strictures passed on his proceedings by Mr Dale in Ct. No 12 of 1859.

No 2186. 20 Novr

Wm Oakes

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The Vakeel should be cautioned - but will suffice for the present -

J.A

No 2186

The Govr in C concurs with the Board in considering the Vakeel's conduct censurable but thinks it sufficient, on the present occasion to direct that he be warned of the consequences of any future remissness in the performance of his duties.

Fort St George
20 Novr 1860.

12 Copies. Board of Revenue with 3 Encls Recd 24 Novr 2186