M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 58 Press ~~Mis.~~

116—117

Dated 10 — 1 — 1860.

Not to be folded or roughly handled

No. 116. Read the following Proceedings of the Board of Revenue, dated 16th December 1859, No. 5234.

Read the following letter from the Collector of Malabar, dated 21st November 1859, No. 276, forwarding copy of the decree of the Court of Sadr Adálat in appeal suit No. 180 of 1858.

(In Con. 28th November 1859, No. 5902.)

Resolved that the foregoing letter, and its accompaniment, be submitted for the information of Government, with reference to Extract from Minutes of Consultation, dated 19th March 1858, R. D., No. 356.

In Con. 20th March 1858.

2. The original plaintiff, the Zamorin Rajah, sued the Tahsildár of Calicut, for damages, because the latter, a man of the Teyer caste, in an official communication, had applied the term Rajah to the former, instead of that of Tumberan, the former designation being considered by the plaintiff derogatory to his dignity. On the death of the original plaintiff, his successor was allowed to continue the suit.

3. The Civil Judge dismissed the case, but saddled the defendant with costs, being of opinion that he had wilfully used the term objected to.

4. With the sanction of Government, an appeal was preferred against that part of the lower Court's decision, adjudging the defendant to pay costs, on the ground that it was contrary to justice to levy costs upon a defendant, in the face of the Court's declaration that the action against him could not be sustained.

5. The Sadr Adálat have reversed the decree of the Civil Judge, and dismissed the suit with costs, being of opinion that the original action was not maintainable. The following is their dictum;—"The mere circumstance that the act of one person is hurtful to the feelings of another, gives no right of action; and the use of a term of address, however contrary to usage, does not, in their, (the Sadr Court's) opinion, amount to a breach of privilege calling for remedy by a judicial tribunal."

(A true Extract.)

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

No. 117. ORDER THEREON, 10th January 1860, No. 58.

Ordered that the foregoing Proceedings be recorded.

(Signed) T. PYCROFT
Chief Secretary.

No. 5234.

PROCEEDINGS of the BOARD of REVENUE, dated 16th December 1859.

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(A true Extract.)

Secretary.

To J. D. BOURDILLON, Esq., Secretary to Government, R. D.
Copy to Collector of Malabar.

Ed. J. Wright.

Cont: 19th March 58 No. 39 & 40
" 4th Oct. 59 " 34 & 35.

Rec: 1859 Department
Pro: of Govt. 10th January 60
No. 2395.

Proceedings of the
Board of Revenue

Dated 16th
Desp. 19th } December 1859
Recd 20
E. I. Ol. letter 17-1-60.
2 Encls. Returned
No. 52314

Submitting with the
Board's remarks a letter from
the Collr of Malabar for=
warding copy of the decree
of the Court of Sudr Alalut
in appeal Suit No. 180 of 1858
reversing the decree of the
Civil Judge.

No. 58
Recorded
10th Jany 1860.

No. 116 & 117.

21st December R 3rd Jany 60