M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2305	Press ~~Mis.~~
122-123	
Dated 11—12— 1886.	

Not to be folded or roughly handled

No. 122. Read the following Proceedings of the Board of Revenue, dated 29th November 1861, No. 6,620:—

Read the following letter from CLEMENT DALE, Esq., Government Pleader Sudder Ádálat, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Madras, 22nd November 1861, No. 186.

SIR,

1. I have the honor to acknowledge the receipt of the Proceedings of the Board of Revenue, under the date and number noted in the margin, and to draw to your attention that those Proceedings were not accompanied with the judgment and Decree of the Civil Judge of Madura, passed in Suit No. 104 of 1861. I observe, however, that the Decree of the lower Court was in favor of the Collector and has been upheld by the Civil Court, but it is stated, that in doing so, the Civil Judge has cited, in support of some position taken up by him, the decision of the Sudder Court in special Appeal Suit No. 139 of 1858, which is opposed to the decision of the Sudder in S. A. S. No. 482 of 1860. It is, however, no where stated, that by such mis-citation the Collector is injured, or in the words of Act VIII of 1859 "aggrieved."

21st November 1861, No. 6,455.

2. If the Collector is aggrieved by such mis-citation, the proper course to be pursued is by petition to the Civil Court for review of judgment, under the 376th Section of Act No. 8, and if the Civil Judge refuses to amend his error, the Collector may appeal to the Court of Sudder Ádálat.

3. The two cases mentioned by the Board are not among the printed Reports of Decisions, I have not, therefore, had the opportunity of referring to them.

4. But I may observe, that a ruling by the Civil Court cannot overrule a decision by the Sudder; if, therefore, the Collector is not really injured or "aggrieved" in the *present suit* by the Civil Judge referring to the decision in S. A. S. No. 139 of 1838, no review or appeal is necessary, nor indeed would any be entertained.

5. It is to be assumed that the Civil Judge would be desirous of correcting any error he may unwittingly have fallen into. In the Supreme or Sudder Courts, this could in most cases, be accomplished by drawing the attention of the Registrar to the error, or if the authority of the Court were necessary (which in some instances might be the case), on merely mentioning the matter to the Court the necessary correction would be made, but (if a petition for review or appeal would not be) I am unable to advise in what manner the Civil Judge of Madura could be approached for such a purpose.

(True Copy.)

(Signed) W. HUDLESTON, *Secretary.*

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1. Submitted for the information of Government, with reference to their Order dated 19th November 1861, No. 2,185, Revenue Department.

In Cons. 20th November 1861, No. 7,367.

2. As the Collector of Madura cannot be said to be "injured" or "aggrieved" by the allusion of the Civil Judge to S. A. S. No. 139 of 1858, and the opinion expressed by the Sudder Court in that decision has been set aside by the later ruling in S. A. S. No. 482 of 1860, the Board consider it unnecessary to take any further steps in the matter.

(A true Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 123. ORDER THEREON, 11th December 1861, No. 2,305.

The Government agree with the Board and Government Pleader that no further steps should be taken in this matter. The papers will, however, be forwarded to the Sudder Court for their information.

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

2) Rec 18th Dec
Prog for for December

No 2791

Proceedings of the
Board of Revenue

Date 29th
Dispd 29th November 1861
Rec 29th
C.I.

No 6020

Submitting for
information a letter
from the Government
Pleader regarding Appeal
Suit No 104 of 1861 and
considering it unneces-
sary to take any further
steps in the matter

No 22+23

No 2305 - 11½ Decr
Letter Order

No 2305

The Government agree
with the Board and Govt Pleader
that no further steps should be
taken in this matter - The
papers will however be for-
warded to the Sudr Court
for their information

Govt St Geo
11th Decr 61

11 Copies Board of Rev Disp 72
3 " Govt Pleader
3 " Sudr Court

3 Decr 1810