M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 265 Press ~~Mis.~~

18—19

Dated 2—2— 18 6/.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 2nd February 1861.

No. 18. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Sudder Adálat, to J. D. BOURDILLON, Esq., Secretary to Government, dated Madras, 28th January 1861, No. 14 :—

SIR,

1. In continuation of the letter I had the honor to address to you under the date and number noted in the margin, I now do myself the honor of enclosing for the information of the Honorable the Governor in Council, a copy of the order passed by the Court of Sudder Adálat on the 5th January 1861, on the Petition presented by me praying for a review of their Judgment in Appeal Suit No. 140 of 1859.

25th January 1861, *No.* 13.

2. I have the honor to draw your attention to the 4th paragraph of that order, and the 378th Section of Act VIII of 1859 ; under that Section a Petition for review is posted for hearing as soon after its presentation as is convenient ; and if on looking at the Petition, or hearing the Petitioner's counsel, the judge who passed the order in respect of which the review is prayed, thinks a sufficient *primâ facie* case is made, notice is given by the Court to the opposite party, but no notice is given until after such preliminary hearing. On such preliminary hearing the Court may (if it thinks fit) hear counsel for the opposite party, if instructed to appear, but if the opposite party does instruct counsel, no costs are given to him.

3. In the case now under consideration, the preliminary hearing only took place on the 5th instant, no notice had been given to Verakamoo Ammal, nor did her Vakíl in my presence make any application for his costs, nor was I aware that any order for such costs had been made until I, this morning, saw the copy procured from the Sudder.

4. Under the course as now pursued in the Sudder, I should not be justified in advising Government to present a Petition for review of that order, I, therefore, purpose considering whether I cannot make that an additional ground for appeal to the Privy Council.

Proceedings of the Sudder Court, 5th January 1861.

Read Miscellaneous Petition presented on the 8th ultimo by C. DALE, Esq., Government Pleader, on behalf of R. D. PARKER, Esq., Collector of Madura, Appellant in Appeal Suit No. 140 of 1859, on the file of the Sudder Court.

(Here enter S. M. P. No. 386 of 1860.)

1. Petitioner prays for a review of the Judgment of this Court in the aforesaid Appeal Suit, so far as it directs him to pay the mesne profits sued for, notwithstanding they have never been received by the Collector of Madura.

2. The Court observe that the objections to the Plaintiff's claim now taken, were not raised before the Court below, nor at the hearing of the Appeal was any matter laid before the Court to lead them to call in question the Judgment of the lower Court, on the subject of the mesne profits sued for.

3. The Court decline at this period to permit this matter to be opened and dismiss the Petition.

4. They further direct the Civil Judge of Madura to collect from the Petitioner and pay to Verakamoo Ammal, daughter of the late Zamíndár of Erasaca Naicknoor the respondent in the aforesaid Appeal, a sum of Rupees 157-0-1 the costs incurred by the latter in opposing the review Petition in question.

No. 19. ORDER THEREON, 2nd February 1861, No. 265.

Communicated to the Board of Revenue with reference to the Order of the 25th January 1861.

(Signed) C. G. MASTER.
Deputy Secretary to Government.

that any Order for such Costs had been made, until I, this

N/4

From Clement Dale Esquire Government Pleader Saidr Adálat

To J. D. Bourdillon Esquire Secretary to Government

Madras 28th January 1861

Sir,

Para 1 In continuation of the letter I had the honor to address to you under the date and number noted in the margin; I now do myself the honor of forwarding for the information of the Honorable the Governor in Council, a Copy of the Order passed by the Court of Saidr Adálat on the 5th January 1861, on the Petition presented by me praying for a Review of their Judgment in Appeal Suit No. 140 of 1859.

5th January 1861 No. 13

2 I have the honor to draw to your attention to the 4th para of that Order, and the 378th Section of Act VIII of 1859; under that Section a petition for Review is posted for hearing as soon after its presentation as is convenient; and if on looking at the petition, or hearing the Petitioner's Counsel, the Judge who passed the Order in respect of which the Review is prayed, thinks a sufficient prima facie case is made, Notice is given by the Court to the opposite Party, but no Notice is given until after such preliminary hearing - On such preliminary hearing the Court may (if it thinks fit) hear Counsel for the opposite Party; if instructed to appear, but if he does instruct Counsel no Costs are given to him.

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Revenue 1861 Department
Gov. of 9th Feb. No. 246
From Govt. Pleader 5th February
To Secretary to Govt.
Dated 28th January 1861
Rec'd 29th —

No. 14

With an Enclosure

Forwarding a copy of the Order passed by the Court of Sdr on the 5th January 1861 on the Petn presented by Govt Pleader praying for a Review of their Judgment in A.S No 140 of 1859

No 265. 2d February
With an Order

R. 25th January 61 Nos 360-361
From Govt Pleader 25th
January 61 No 239. to Govt
5th Feb 1861 No 51-52

No 265
Communicated to the
Board of Rev enue with reference
to the order of the 29th January 1861.
CS Harris Esq

Fort St George
2nd February 1861
The 13th of Rec'd
Depy Secy

No 18 & 19.

Sir,

Your Most Obedient Servants

Government Pleader

Lads Adelaide

To the Hon'ble the Board of Rev enue

Sir

Under the Circumstances as now pursued in the Lords Sabhal not be justified in advising Government to present a petition for Review of that Order, Therefore for that purpose considering whether I cannot make that an additional ground for appeal to the Privy Council -

Morning, draw the copy prayed from the desk