

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	Press ~~Mis.~~
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Dated	February 19 1861

Not to be folded or roughly handled

Proceedings of the Sudder Court 5th January 1861.

Read Miscellaneous Petition presented on the 8th Ultimo, by C. Dale Esq^r Government Pleader on behalf of R. D. Parker Esq^r Collector of Madras Appellant in appeal Suit N^o 140 of 1859 on the file of the Sadr Court.

(Here enter S. M. P. N^o 388 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 mesue profits sued for, notwithstanding they have never been received by the Collector of Madras.

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 mesue profits sued for.

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

They

They further direct the Civil Judge
of Madurai to collect from the Petitioner
and pay to Visakamoo Ammal daughter of
the late Zemindar of Erasacarnaiknoor
the Respondent in the aforesaid appeal
a sum of Rupees 15/- the Costs incurred
by the latter in opposing the review petition
in question.

/ A true Copy /

J. Sudastu
Sub Secretary

N^o 579

Proceedings of the Board of Revenue
dated 2^d February 1861.

Read the following.

N^o 15

From Clement Dale Esq.
Government Reader Sadr Adalat
To W. Middleton Esq.
Sub-Secretary to the Board of Revenue.

Sir,

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 en-
closing for the information of the Board of Revenue, a
copy of the order passed by the Court of Sadr Adalat
on the 5th January 1861, on the Petition presented by me
praying for a review of their judgment in Appeal No.
110 of 1859.

I have the honor to draw to your attention the
4th para of that order, and the 37th Section of Act VIII. of
1859; under that Section a petition for review is posted
for hearing as soon after its presentation as is conveni-
ent, 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 the opposite party does not instruct Counsel, no
costs are given to him.

In the case now under consideration, the pre-
liminary hearing only took place on the 6th instant,

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Encd. No. 1 in the Pro-
ceedings of the Board
of Revenue to the Secretary
to Govt. N. B. dated 2^d
February 1861 No. 579.

C. P. 299/57

Proceedings of the Sadr
Court 5th January 1861.

no notice had been given to Verakamur Ammal, nor did her Vakul 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 Sadr.

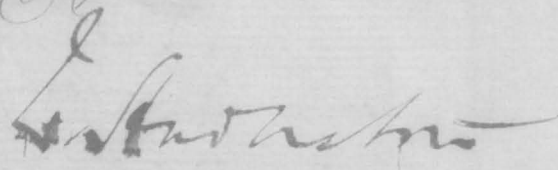
Under the course as now pursued in the Sadr, I should not be justified in advising Government to present a petition for review of that order, I therefore propose considering whether I cannot make that an additional ground for appeal to the Privy Council.

Madras,
25th January 1861

Shame & Co.
Signed G. Dale
Governor Meader Sadr Adalat.

Ordered to be submitted to Government in continuation of the Meador's Proceedings dated 21st January 1861 regarding the Errachakanaihenoor case in which Government have already directed that an appeal be prepared to the Privy Council.

/ True Extract & Copy


Subsecretary.

To J. P. Murchillon Esq.
Secretary to Government
Revenue Department.

Comd.
A. K. K. K.