

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	285	Press
		Mis.
	247-48	
Dated	12. 2. 1862.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
12th February 1862.*

No. 247. Read the following Proceedings of the Board of Revenue, dated 17th December 1861, No. 7,047:—

Read the following letter from C. DALE, Esq., Government Pleader, Sudder Adalat, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated 7th December 1861, No. 208.

SIR,

In continuation of the letter I had the honor of addressing to you under the date and number noted in the margin, I do myself the honor of enclosing for the information of the Board of Revenue five copies of the Decree passed by the Court of Sudder Adalat in Special Appeal Suit No. 719 of 1860.

1. Ordered that a copy of the Decree received with the foregoing letter be submitted for the information of Government in continuation of the Board's Proceedings, dated 7th December 1861, No. 6,822.

2. Ordered also that two copies be forwarded to the Collector of Malabar.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 248.

ORDER THEREON, 12th February 1862, No. 285.

Ordered to be recorded.

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

IN THE SUDDER COURT AT MADRAS.

Before the Principal Sudder Ameen of Tellicherry, Original Suit No. 10 of 1857.

Before the Civil Court of Tellicherry, Appeal No. 20 of 1859.

Before the Sudder Court at Madras, Special Appeal No. 719 of 1860.

Under Act VIII of 1859.

	In the Court of First Instance.	In the Lower Ap- pellate Court.	In the Sudder Court.
Pallakal Amman Kutti....	Plaintiff	Appellant.	Special Appellant. By his Pleader, S. Teroomala Charry.

Churiya Ambu.....	} Defendants.	} Respondents.	 Special Respondent. By C. Dale, Esq., Government Pleader.
Padavadi Kunji Kutti...			
Padinjareeveetil Oona-			
kan.....			
Tottatil Kellan...			
Nallankandi Manni.....			
Manniyata Ambu.....			
Mr. Grant, collector of Malabar.....			

Pallakal Amman Kutti, appellant in the abovenamed appeal suit, begs to appeal specially to the Sudder Court at Madras, against the decree of the civil judge, for the following reasons:—

- i. Because the civil judge is in error in the remarks he has made about the jenm right, while he has cancelled by his remanding order the original decree disposing of the said point.
- ii. Because the observation of the civil judge respecting the jenm right is contrary to the documents filed in the suit, and to the defendants' own admission.
- iii. Because the petitioner's possession was proved by document Q, and is sufficient to remove the bar of limitation.
- iv. Because the documents F and H fully suffice to take the case out of the bar of limitation.
- v. Because the courts below are in error in law, in observing that the possession by the tenants is adverse to the petitioner's right.
- vi. Because the courts below are in error in law, when they hold that the admission after twelve years cannot revive the right of action.
- vii. Because the Government have acquiesced in the sale of the land in question, dated 1826.
- viii. Because the Government's acquiring a district, cannot deprive the jenmies of their jenm right in the soil.
- ix. Because the foot note in document III, coupled whith the documents F and H, is conclusive for the plaintiff's plea, and fatal to that of defendants.
- x. Because the principal sudder ameen has misconstrued Section VIII, Regulation XXXI of 1802.
- xi. Because the consent of Government in issuing puttahs, in order to have their reavenues realized, is no bar to the proprietors obtaining their land at any time.
- xii. Because the civil judge is in error in law in refusing to give full effect to the admission by the collector of the petitioner's claim.
- xiii. Because the civil judge is not justified in re-opening the grounds that made the defendant admit the plaintiff's claim, and suggest to him a different course.
- xiv. Because the burthen of proof has been thrown by the civil judge on the wrong shoulder, inasmuch as it really rests with the defendants, who plead adverse possession.
- xv. Because the civil judge's remark against the nazirs and ameens, is of no avail.

The Sudder Court affirm the decree of the lower appellate court, not finding in the special appeal any grounds, such as are described in Section 372, Act VIII of 1859, to call for their interference.

COSTS IN THE SUDDER COURT.

7th Special Respondent's costs.

Pleader's fee on Rs. 150...	...	...	...	...	7	8	0
1 Roll for vakalatnama...	...	...	...	...	2	0	0
1 Printed copy purchased...	...	...	...	...	4	10	4
To be paid to the special respondent (7th defendant) by the special appellant (plaintiff)...					14 2 4		

പ്രതികാരൻ സ്പെഷൽ അപ്പീൽ ചെയ്തവർക്കു നൽകേണ്ട ചെലവുകൾ.

പ്രതികാരൻ ചെലവുകൾ നൽകേണ്ടതും പ്രതികാരൻ വിവരിച്ചിരിക്കുന്നപ്രകാരം സർട്ടിഫിക്കറ്റിൽനിന്നു പ്രവേശിക്കുകയോണ്ടാകുന്നതും സ്പെഷൽ അപ്പീൽ ചെയ്തവർക്കു നൽകേണ്ട ചെലവുകൾ കീഴെപ്പറയുന്ന വിധി സർട്ടിഫിക്കറ്റിൽനിന്നു സ്ഥിരപ്പെടുത്തേണ്ടതും.

സർട്ടിഫിക്കറ്റിലെ.

സ്പെഷൽ അപ്പീൽ ചെയ്തവർക്കു നൽകേണ്ട ചെലവുകൾ.

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By order of the Court.

2nd December 1861.

(Signed) G. S. Channier
Registrar.

Forwarded to the Lower Appellate Court, for transmission under Section 361, Act VIII of 1859, to the Court of First Instance.

No. 7,047.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 17th December 1861.

Read the following letter from C. DALE, Esq., Government Pleader, Sudder Udalt, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated 7th December 1861, No. 203 :—

In continuation of the letter I had the honor of addressing to you under the date and number noted in the margin, I do myself the honor of enclosing for the information of the Board of Revenue five copies of the Decree passed by the Court of Sudder Udalt in Special Appeal Suit No. 719 of 1860.

1. Ordered that a copy of the Decree received with the foregoing letter be submitted for the information of Government in continuation of the Board's Proceedings, dated 7th December 1861, No. 6,822.

2. Ordered also that two copies be forwarded to the Collector of Malabar.

(A true Copy and Extract.)

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D., with copy of Decree.

Copy to P. Grant, Esq., Collector of Malabar, with two copies of Decree.

Exd. J. Wright.

*Transmitted. Audit
by Comptroller 2034.
From Govt. Pleader
3 Dec 1861 No. 2849*

*Recd 1861 Department
Secy of State for Treasury
No. 3049*
PROCEEDINGS OF THE BOARD OF REVENUE,

*Dated 17th December 1861.
Despatched. 23 3-2
Received. 24 3-2*

No. 7047.

Submitting for information a letter from
Government Pleader forwarding copies of the
Decree passed by the Sudder Court in Special
Appeal Suit No 719 of 1860.

RECORDED.

Recd 2851 M M

*Chm 142 George
124 3rd 1861
1861*

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