M.R.O. 14—13,000—27-6-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 59 Press ~~Mis.~~

115-16

Dated 12-1- ~~19~~1864

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 12th January 1864.

No. 115. Read the following Proceedings of the Board of Revenue, dated 6th January 1864, No. 28 :—

Read the following letter from the Government Pleader, Madras, dated 7th December 1863, No. 149.

In continuation of the letter I had the honor of addressing to you under the date and number noted in the margin, I now do myself the honor of enclosing for the information of the Board five printed copies of the Decree passed by the High Court in the Special Appeal Suit, No. 374 of 1862, on the file of the late Sudder Court.

27th June 1863, No. 74.

ENCLOSURES Nos. 1 to 5.—Printed copies of a Decree.

Ordered that the above recorded letter be communicated for the information of the Collector of Malabar in continuation of the Board's Proceedings, No. 4,171, dated 9th July 1863.

No. 116. ORDER THEREON, 12th January 1864, No. 59.

Ordered to be recorded.

(True Extract.)

Deputy Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

PRESENT:

The Hon'ble Mr. Justice Phillips

The Hon'ble Mr. Justice Frere.

Before the Sudder Ameen as Moonsiff of Tellicherry, Original Suit No. 237 *of* 1860.

Before the Civil Court of Tellicherry, Appeal No. 464 *of* 1861.

Before the late Sudder Court at Madras, Special Appeal No. 374 *of* 1862.

Under Act VIII of 1859.

	In the Court of First Instance.	*In the Lower Appellate Court.*	*In the late Sudder Court.*
Attupuram Shangaren Embrandery.	*Plaintiff.*	*Respondent.*	*Special Appellant.* By his Attorney, G. E. Branson, Esq.
1. Mittale Illom Damodran Embrandery.....	*Defendants.*	3rd *Defendant, Appellant.*	*All Special Respondents.* By J. Miller, Esq., Vakeel for the 3rd Defendant.
2. Karadden Ambu... ...			
3. Supplemental Defendant P. Grant, Esquire, Collector.....			

Attupuram Shangaren Embrandery, the plaintiff and respondent abovenamed, appeals to the Sudder Court at Madras, against the decree of the civil court of Tellicherry, in the above appeal suit, dated 24th February 1862, for the following reasons, viz :—

i. The said decree is contrary to law—in that—

1. *A* admitted to be genuine shows that the dry land of 15½ podies then under cultivation was sold, together with the kaypaud marshy ground ditches and mounds adjoining—to which effect must be given.

2. *B* and *C* are not challenged in appeal.

3. The "scraping" of *A* was no legal test.

ii. The said decree is contrary to usage—in that,

1. The bank was raised to prevent the water of the Kaypaud marshy ground from flowing into the land of 15½ podies.

2. Such bank cannot be any boundary.

3. In Malabar it is invariably the practice of sowing paddy on spots ankle deep in water.

iii. Erroneous investigation—in that—

1. Misconception of plaintiff's statement, in that the land though sometimes ankle deep in water is at other times dry.

2. The defendants have established no case.

3. No. *II* is not evidence.

4. It is submitted that there is no evidence to support what is said as to *A* and *B*.

5. Plaintiff's possession must, it is submitted, prevail in the absence of title in defendants.

Order :—The case coming on to be heard and decided this day, the Court doth reject the special appeal with costs.

COSTS IN THE HIGH COURT.

Special Respondent's (3rd Defendant's) costs.

2 Rolls for 2 vakalutnamahs.....	4	0	0
Fees for Attorney instructing Advocate, on Rs. 60.....	3	0	0
1 Printed copy purchased.....	3	2	0
To be paid to the special respondent (3rd defendant) by the special appellant (plaintiff)	10	2	0

ക്വന്യൂ ൽ സ്പെശ്ശാൽ ആപ്പീൽ നമ്പ൪ ൫൭൯.

കല്പന — ൨൨൧ നമ്പ൪ സ്പെശ്ശാൽ ആപ്പീൽകാര്യം ഇന്ന വിചാരണചെയ്തു തിരുവ കല്പിച്ചപ്രകാ
രുള്ള കൂടുകയും ചെയ്തതിൽ ആയ കോട്ടശിലവോടുകൂടി നീക്കി വിധിച്ചിരിക്കുന്നു.

ഹൈക്കോട്ടവക ശിലവ.

സ്പെശ്ശാൽ പ്രതികൂടെ ശിലവ.

വക്കീൽനാമത്തിന്ന മുദ്രകടലാസ്സ് മ-ക്ക ഉറുപ്പിക ...	൨	-	൦
ന്യം - ഉറുപ്പികയിന്മേൽ അട്ടാന്നിക്ക വേണ്ടിവന്ന വക്കീൽഫീസ്സ	൩	-	൦
അച്ചടിച്ച പകുപ്പ ഒന്നിന്ന വാങ്ങിയവില ...	൩	-	൦
ആയ്യം ൨൦൦ പ്രതിയായ സ്പെശ്ശാൽ ആപ്പീൽ പ്രതിക്കാരന്ന ആയ്യം അന്യായക്കാരനായ സ്പെശ്ശാൽ ആപ്പീൽ അന്യായക്കാരൻ കൊടുക്കേണ്ടും ഉറുപ്പിക ———	൫൦	-	൦

By order of the Court.

Geo Ireland

27th June 1863. *Deputy Registrar.*

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

No. 28.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 6th January 1864.

Read the following letter from the Government Pleader, Madras, dated 7th December 1863, No. 149 :—

In continuation of the letter I had the honor of addressing to you under the date and number noted in the margin, I now do myself the honor of enclosing for the information of the Board five printed copies of the Decree passed by the High Court in the Special Appeal Suit, No. 274 of 1862, on the file of the late Sudder Court.

27th June 1863, No. 74.

ENCLOSURES Nos. 1 to 5.—Printed copies of a Decree.

Ordered that the above recorded letter be communicated for the information of the Collector of Malabar in continuation of the Board's Proceedings, No. 4,171, dated 9th July 1863.

(A true Copy and Extract.)

Secretary.

To M. J. Walhouse, Esq., Acting Collector of Malabar, with two copies of a Decree.
" J. D. Sim, Esq., Secretary to Government, R. D., with one copy of a Decree.

Copy to C. Dale, Esq., Government Pleader.

Exd. J. Wright.

Pro. 31st July 1863 No. 10 in 57 &

Rect. 1864. Department.

Pro: of Govt for Jany.

No. 73.

PROCEEDINGS OF THE BOARD OF REVENUE

Dated 6th January 1864.

No. 28.

Communicating to the Collector of Malabar for information letter from the Government Pleader forwarding five printed copies of the Decree passed by the High Court in Special Appeal Suit No. 374 of 1863.

12 Jan 1863.

No 115 & 116.

Pro. 31st July 1863 No. 11