M.R.O. 14-5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1269. Press Mis.

179-180.
Dated 8 — 5 — 1868.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 8th May 1868.

No. 179. Read the following letter from the Officiating Government Pleader, to the Secretary to Government, Revenue Department, Fort St. George, dated Madras, 2nd May 1868, No. 93 :—

With reference to paragraph 2 of my letter to you, dated the 17th ultimo, No. 81, and embodied in the Proceedings of Government, in the Revenue Department, dated 22nd April 1868, No. 1,070, I have the honor to forward, herewith, copies of the Judgment and Decree passed in Special Appeal No. 537 of 1867, which were received by me yesterday from the Appellate High Court at Madras.

In the High Court of Judicature at Madras, Friday, the seventeenth day of April, One thousand eight hundred and sixty-eight.

PRESENT :

The Honorable Mr. Justice COLLETT

and

The Honorable Mr. Justice ELLIS.

Special Appeal No. 537 *of* 1867.

Collector of Kistna District ... ... *Special Appellant.*

Hussain Shariff, Ryot of Vissennapetta ... ... *Special Respondent (Defendant).*

Special Appeal against the Order of the Civil Court of Guntoor, in Regular Appeal No. 37 of 1865, confirming the decision of the Acting Head Assistant Collector of the Kistna District in Summary Suit No. 1 of 1865.

This Special Appeal coming on for hearing, the Court delivered the following :—

JUDGMENT.—This is a most singular order on the part of the late Civil Judge. A party in possession of a Zemindary sued the defendant, the decision was against him, and he appealed; meanwhile he was ejected from the Zemindary, and the Collector got into possession. The Collector had nothing whatever to do with the institution of the Suit or the Appeal, and declined to have anything to do with the continuance of the Appeal; but the Civil Judge, though the Collector was never made a party to the suit or appeal, nor was in the slightest degree responsible for the existence of either, made the Collector liable for the defendant's costs of the Appeal, which was dismissed. It is needless to say that such an order was improper, and must be reversed.

(A true Copy.)

(Signed) H. WIGRAM,
Acting Registrar, Appellate Side.

L. S.

In the High Court of Judicature at Madras, Friday, the seventeenth day of April, One thousand eight hundred and sixty-eight.

PRESENT:

The Honorable Mr. Justice COLLETT.

The Honorable Mr. Justice ELLIS.

Special Appeal No. 537 *of* 1867.

Collector of Kistna District ... ... *Special Appellant.*

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Special Appeal against the Order of the Civil Court of Guntoor, in Regular Appeal No. 37 of 1865, confirming the decision of the Acting Head Assistant Collector of the Kistna District in Summary Suit No. 1 of 1865.

Proceedings of the Madras Government, Revenue Department,
8th May 1868.

DECREE.—This Special Appeal coming on for hearing: Upon perusing the grounds of Special Appeal, the Proceedings of the Lower Appellate Court, and of the Head Assistant Collector, and the material papers in the Suit; and upon hearing the arguments of Mr. Government Pleader for the Special Appellant, and the Special Respondent not appearing in person or by Counsel, this Court doth order and decree that the Order of the Lower Appellate Court be, and the same hereby is, reversed.

(Signed) CHARLES COLLETT, } *Judges.*
(„) GEORGE ELLIS, }

No. 180. ORDER THEREON, 8th May 1868, No. 1,269.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Officiating Government Pleader.

Exd. S. T. Augustin.

Proceedings of the Madras Government, Revenue Department,
8th May 1868.

DECREE.—This Special Appeal coming on for hearing: Upon perusing the grounds of Special

Pro. 22. April 1868 No 481-2.

Pers = 1868. Sept.
Pro. of Govt. for W. & G.
From,
The Off. Govt. Pleader.
To
The Secretary to Govt.
Revenue Dept.

Dated 2nd
Recd 2 } May.

No. 93.
Enclosures 2.

No.

Forward copies of decree and Judgement in Special Appeal No. 537 of 1867

No. 1269.

RECEIVED.

8th May 68.

3 Copies to Bills Off. Govt. Pleaders.

No. 179 & 180

Exd. S. T. Augustin.