

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1494	Press Mis.
651-52. Dated	28-5-	18 68.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
28th May 1863.*

No. 651. Read the following Proceedings of the Board of Revenue, dated 19th May 1863, No. 3,700.

Read the following letters :—

From the Officiating Government Pleader, to the Acting Secretary to the Board of Revenue, dated Madras, 17th April 1863, No. 82.

1. Referring to the Proceedings of Government noted in the margin, I have the honor to report, for the information of the Board, that the Special Appeal, No. 537 of 1867, therein mentioned, came on for hearing this day, before

Revenue Department.
Dated 26th June 1867, No. 1,422, and
" 19th February 1868, No. 465.

Justices Collett and Ellis, sitting in the High Court in its Appellate jurisdiction, and that the Court upon hearing me, has reversed the decision of the Civil Court of Guntoor against which the appeal was preferred.

2. I will obtain and forward to you, in due course, a copy of the Decree of the Appellate High Court.

From the same Officer, dated 2nd May 1863, No. 94.

1. With reference to paragraph 2 of my letter to you, dated the 17th ultimo, No. 82, 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.

2. If stamped and certified copies of the Judgment and Decree are required, I will, on hearing to that effect, obtain and forward them to you.

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 the Kistna District... .. *Special Appellant.*

Mussain Shariff, Ryot of Vissennapeta *Special Respondent, (Defendant.)*

L. S.

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.

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) C. COLLETT, }
(") G. ELLIS, } *Judges.*

*Proceedings of the Madras Government, Revenue Department,
28th May 1868.*

*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 the Kistna District *Special Appellant.*

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

Special Appeal against the order of the Civil Court of Gantoor, 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 Collec-
tor 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.

1. Resolved that the foregoing letters be submitted for the information of
Government, with reference to their Order, dated 19th February 1868, No. 465.
The Special Appeal authorized in Government Order, dated 26th June 1867, has
been decided in favor of Government.

2. The circumstances of the case are concisely stated in the Judgment, which
forms one of the enclosures of the Government Pleader's letter, dated 2nd May.

No. 652.

ORDER THEREON, 23th May 1868, No. 1,491.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.

Exd. E. T. Augustin.

Acting Registrar, Appellate side.

1. Resolved that the foregoing letters be submitted for the information of Government, with
reference to their Order, dated 19th February 1868, No. 465. The Special Appeal authorized in
Government Order, dated 26th June 1867, has been decided in favour of Government.

2. The circumstances of the case are concisely stated in the Judgment, which forms one of the
enclosures of the Government Pleader's letter, dated 2nd May.
(True Copies and Extract.)

Acting Secretary.

To the Secretary to Government, Revenue Department.

Copy to the Officiating Government Pleader.

„ to the Collector of the Kistna district.

Exd. J. Wright.

Submitting for information letter from Govern-
ment Pleader reporting that Special Appeal No
537 of 1867 on the file of Gantoor Civil Court,
Kistna district, has been decided in favor of Go-
vernment, and forwarding copies of Judgment
and Decree.

RECORDED.

Revenue 1868. Department
Board of Revenue
No. 1777.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 18th May 1868.
24th May 1868.

No. 3,700.

20:657-652

28th May/68.
24th May 1868