

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	749	Press Mia
289-20 Dated	24-3-	18 68

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
24th March 1868.*

No. 389. Read the following letter from the Officiating Government Pleader, to the Secretary to Government, Revenue Department, Fort St. George, dated Madras, 21st March 1868, No. 58:—

1. With reference to the Proceedings of the Government noted in the margin, I have the honor to report, for the information of the Government, that the Civil Petition No. 50 of 1868, preferred on behalf of C. Venkata Narrainapah to the High Court for a review of the Order made by the Court on the 11th March 1868, as to the costs to be paid by the Government under the Decree of Her Majesty in Council upon the last Appeal in the suit respecting the Vissanapettah Zemindary, came on for hearing yesterday before the Chief Justice and Mr. Justice Collett, when Mr. Mayne and the Vakeel Vencatapathy Row appeared for the petitioner C. Venkata Narrainapah, and I appeared on behalf of the Government.

2. The object of the petitioner was abundantly clear. The Government had already paid him, through the late Sudder Court in April 1859, in addition to the costs incurred by the petitioner, (the defendant,) in the Civil Court, the sum of Rupees 1,771-5-7, being his costs of the first Appeal to the late Sudder Court, which was upon the single ground that the Government could not take the Zemindary by escheat. The effect of the Order of the High Court on the 11th March instant was, that there should be deducted from the costs now payable by the Government to the petitioner, not only the above-mentioned sum of Rupees 1,771-5-7 so paid to him, but also alike sum in respect of the costs of the Government of the first Appeal. While, on the hearing of his review Petition, his Counsel admitted his liability thus to refund the costs already paid to him by the Government, it was urged by Mr. Mayne that the Government should not be at liberty also to deduct their costs of the first Appeal on the question of escheat.

3. This position I combated on behalf of the Government; and I, moreover, urged that, in strict accordance with the Judgment of the Privy Council and of the Decree of Her Majesty in Council thereupon, the High Court should either direct the Civil Court to apportion, or should itself apportion the costs of the Original Suit, so as to assess the petitioner with the payment to Government of so much of those costs as were occasioned by his having disputed the right of the Government to take by escheat.

4. The High Court has adhered to the Order passed by it on the 11th March instant, so far as it directs the refund, (by way of set off,) by the petitioner to the Government of the costs already paid to him by the Government incident to his first appeal to the late Sudder Court, and also the costs of the Government in that Appeal. The Court has, however, taken time to consider whether it should make any, and, if any, what apportionment of the costs of the proceedings in the Civil Court.

5. As soon as the Court has delivered its Judgment on this latter point, I will obtain a copy of its Order, and forward it to the Government and the Revenue Board.

Proceedings of the Madras Government, Revenue Department,
24th March 1868.

No. 390.

ORDER THEREON, 24th March 1868, No. 749.

Miscellaneous.

Communicated to the Board of Revenue.

(True Extract.)

(Signed) W. HUDLESTON,

Secretary to Government.

To the Board of Revenue,
the Government Pleader.

Ed. F. R. Bantleman.

Permanently kept
Pro of Court on file
The off. & Govt. Pleader
to.

The Secy to Govt.
Rev. 100 p. 11

Date 21st March
Rev. 73

Reports the result of
the hearing of the Revenue
Petition of 1868
presented to the High
Court on behalf of C.
Venkataravani & Co.
the 11th in O.S. No. 103
of 1868 on the files of
the Civil Court of
Madrass, Nagar
and Vissanapattinam
Zemindary.

No. 389-390.

W. 749.
Comm. to the
Ed. F. R. Bantleman.