

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	966	<u>Press</u> <u>Mis.</u>
<i>248-49.</i> Dated	15-4-	1868.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
15th April 1868.*

No. 248. Read the following letter from the Officiating Government Pleader, to the Secretary to Government, Revenue Department, Fort St. George, dated Madras, 8th April 1868, No. 74:—

1. With reference to paragraph 5 of my letter to you, dated 21st March 1868, No. 58, and embodied in the Proceedings of Government, Revenue Department, dated 24th ultimo, No. 749, I have the honor to enclose herewith copy of the order which has been passed by the High Court on Civil Petitions Nos. 39 and 50 of 1868, which was yesterday received by me from the Appellate High Court at Madras.

2. Under this order, there will have to be deducted from the amount of the appellant's costs of the last Appeal to the Privy Council and his general costs of the proceedings in the Courts in this country, not only all sums which have from time to time been paid to him by the Government in respect of his costs of the Original Suit and Appeals therein, but also the amount of costs due to the Government for their appearing and opposing his first appeal. As far as I can gather, the total amount of these deductions will be upwards of Rupees 4,000. Full particulars, however, of all payments by the Government to the appellant on account of costs can easily be obtained from the Civil Court of Guntoor. Care must be taken, when the appellant applies for execution to the Civil Court of Guntoor, to bring to the notice of that Court a statement of all sums already paid by Government to the appellant for his costs, so that the strict balance (if any) now payable to him may be correctly ascertained.

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In the High Court of Judicature at Madras, Wednesday, the eleventh day of March, one thousand eight hundred and sixty-eight.

PRESENT:

The Honorable Sir C. H. SCOTLAND, Knight, Chief Justice.

The Honorable Mr. Justice COLLETT.

Civil Petitions Nos. 39 and 50 of 1868.

C. Vencatanarayanappa, Zemindar of Vissanapeta, Petitioner.

The Collector of Masulipatam, Counter-Petitioner.

1. Petitions praying for the issue of an order directing the execution of the Decree of Her Majesty the Queen in Council, dated 20th December 1867, reversing the Decree of the High Court in Regular Appeals Nos. 103 and 136 of 1857.

ORDER.—These Petitions coming on for final hearing: Upon perusing the order of Her Majesty's Privy Council, and upon hearing the arguments of Mr. Mayne, Counsel, and of Venkata-pathy Rao, Vakil for the Petitioner, and of the Officiating Government Pleader for the Counter-Petitioner, it is ordered that the full amount of the costs of the Appellant, C. Vencatanarayanappa, in this Court be ascertained, and how much thereof was incident to the question of the right of the Crown to take by escheat.

2. That the amount of the Respondent's costs in this Court of and incident to the said question be also ascertained. That the two last mentioned sums be set off against the amount of the said Appellant's costs, and a Certificate of the balance transmitted to the lower Court, together with the Decree of Her Majesty in Council.

3. That the said Court do ascertain the amount of the Appellant's costs in both the lower Courts, and deduct the sum paid by the Respondent to the Appellant under the Precept of the late Sudder Court, dated the 7th October 1858, and do, if required, issue process of execution for the recovery by the Appellant from the Respondent of the balance of the costs so ascertained as

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aforesaid, in due course of law. And it is further ordered that the amount deposited in this Court by the Petitioner for the eventual costs of the Respondent be refunded to him.

By the Court,

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

No. 249.

ORDER THEREON, 15th April 1868, No. 300.

Miscellaneous.

Communicated to the Revenue Board,
who will issue the necessary instructions.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
,, the Government Pleader.

Exd. S. T. Augustin.

*Rev. 4868 Deptt
Pro: of Court for Appeal
From
The Off. Govt. Pleader.*

*To
The Secy to Govt.
Revenue Deptt*

*Dated 5th
Recd 10th April*

No 74

Enclosure 1st

*Forwards Copy of
Order passed on Civil
Petitions No 39 & 50
of 1868.*

14 Copies to the Off. Secy to Govt. Pleader

N. 248 & 249

*22. 966.
Comm. to the
S. T. Augustin
the necessary instructions
15. 2/3/68*