M.R. G. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1694	Press Mis.
332-333	
Dated 14th June 1929	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
14th June 1869.

No. 332. Read the following Proceedings of the Board of Revenue, dated 20th May 1869, No. 3,520 :—

Read the following letter from the Collector of Trichinopoly, to the Acting Secretary to the Board of Revenue, dated 30th April 1869, No. 90.

ADVERTING to the Board's Proceedings as per margin, sanctioning the defence of Appeal Suit No. 63 of 1867 on the file of the Civil Court, I have the honor to inform you that the above Court remanded the suit to the lower Court, in view to further evidence being taken; but the plaintiff having examined no witnesses during the re-investigation, his claim was again dismissed with all costs.

No. 7,315, dated 8th November 1867.

2. I beg to submit, herewith, copy of the revised Judgment and Translation of the Decree.

ENCLOSURE No. 1.

JUDGMENT.

Suit No. 356 *of* 1866.

In the Court of the District Moonsiff of Perambalore.

Present—Appavyah.

THE plaintiff sues to recover a piece of land.

2. He states that the land in dispute formerly formed two distinct portions, and was distinguished by the name of "Seniyan Kupen;" that this land with some other land having been sold by the Collector for the arrears of revenue due by one [illegible]namaiyan, the owner thereof, the plaintiff's grand-father purchased them and obtained a sale certificate, dated the 15th October 1821, for the same; that his grand-father having then been appointed a Puttamonigar of the village the revenue of the land in dispute was remitted in lieu of his pay for the said office; that thus his grand-father, father, and himself successively held the said office, and continued to enjoy the land in dispute rent free; that while so he was dismissed three years ago, and the first defendant appointed in his place; that by order of the 2nd defendant, the Collector, the land in dispute has been taken away from him, and given to the 1st defendant, and that hence this suit.

3. The defendant's plead that the land in dispute is not identical with the land mentioned in the plaintiff's sale certificate, marked A, as Seniyan Kupen, but is quite separate and distinct from it; that the land in dispute was originally granted to the plaintiff's grand-father for his service as a Puttamonigar, and is therefore a Service Inam land; and that this Court has, therefore, no jurisdiction to entertain this suit, as laid down in Clause 1, Section 3, Regulation VI. of 1831.

4. This suit was instituted in the Torriore District Moonsiff's Court, and was there filed in No. 230 of 1864, and on the abolition of the said Court it was referred to this Court and filed in the aforesaid No. 356 of 1866.

5. A decision was pronounced on the 14th March 1867, dismissing the plaintiff's claim for the reasons recorded in the next three paragraphs.

6. The first point for decision is whether the land in dispute, and that mentioned in the plaintiff's sale certificate, marked A, as Seniyan Kupen, is the same.

7. A perusal of the plaintiff's sale certificate A, shows that the land mentioned in it as "Seniyan Kupen" can possibly have no reference to the land in dispute; for the land, by name Seniyan Kupen, is described in the sale certificate to lie in two different spots, and the plaintiff states that these two pieces of land have been joined together, and now form one piece of land as mentioned in the plaint. This appears to be impossible; the boundaries mentioned in the sale certificate for each piece do not show that the other piece of land lies on any side of it, so that

the two pieces might be joined together, and the plaintiff is unable to account for this inconsistency. I hence presume that the land in dispute is different from the land mentioned in the sale certificate.

8. The plaintiff admits that the land in dispute bears No. 457, and this land in the 2nd defendant's exhibit, marked No. 1, which is a Survey account of 1858, is mentioned as Survamaniem held by Karupana Sairvagaram, (plaintiff's father,) a Puttahdar, and this account has been signed by the plaintiff's father. I am, therefore, of opinion that the land in dispute is not included in the plaintiff's sale certificate.

9. The plaintiff preferred an appeal in No. 63 of 1867, and the Acting Civil Judge remanded the suit, observing as follows.

10. On a perusal of the record, and which consists merely of the documents filed by the parties, I am of opinion that there are no sufficient data on which any safe and satisfactory decision can be arrived at. The suit must, therefore, be remanded for inquiry, and for the purpose of a fresh decree being passed after the examination of witnesses.

11. The Vakeels for both parties were again heard, but the plaintiff examined no witnesses, he first cited five witnesses, but subsequently dispensed with them. Hence I have no other alternative than to pronounce an award, dismissing the plaintiff's claim for the reasons recorded in the first judgment.

12. The plaintiff's claim is accordingly dismissed with costs, and he shall further pay the defendant's costs, with interest at 12 per cent. per annum, from this date till payment.

(Signed) APPAVYAH,
District Moonsif.

(True Copy.)

(Signed) G. BANBURY,
Collector.

ENCLOSURE No. 2.—Translation of Decree.

SUBMITTED for the information of Government.

2. The circumstances are concisely stated in the Judgment, from which it will be seen that the suit has been dismissed by the Moonsiff, and that the dismissal has been confirmed on appeal by the Civil Court.

No. 333. ORDER THEREON, 14th June 1869, No. 1,694.

Miscellaneous.

ORDERED to be recorded.

(True Extract.)

(Signed) H. WELLESLEY,
Acting Under-Secretary to Government.

To the Board of Revenue.

Exd E. C. Shunker.

Govt. of (1869) Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated June, 14*th*.

Recd. *Encl*

G. O, 14*th June* 1869, *No.* 1,694.

JUNE.

Nos. 332-333.

Suit No. 356 *of* 1866 *filed in the District Moonsiff's Court in Trichinopoly District.*—Collector's letter forwarding a copy of the revised Judgment recorded.

Per 1869. Dispatch.

Board of Revenue,

MADRAS.

No. 1741.

PROCEEDINGS, 20TH MAY 1869, No. 3,520.

Received 24th May 1869 Encl 1 Paper

MAY.

No. 3,520.

Suit—No 356, on file of Perambalore District Munsiff's Court in Trichinopoly District, instituted for recovery of a piece of land,—Letter from Collector forwarding revised Judgment for information of Government.

RECORDED

Rd. J. Tulloch.

by the Civil Court. ... and the dismissal has been confirmed on appeal

(True Copies and Extract.)

To the Acting Secretary to Government, Revenue Department,

Copy to the Collector of Trichinopoly. with translation of Decree.

Sub-Secretary.