M.S.O. 2—80,000—10-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Commerce DEPARTMENT.

G.O. No. 2 Proc. Mis.

Dated: 6 Feb 1948

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
6th September 1869.

No. 110. Read the following Proceedings of the Board of Revenue, dated 12th August 1869, No. 5,071:—

Read the following letter from the Collector of Malabar, to the Acting Secretary to the Board of Revenue, dated Calicut, 12th July 1869, No. 136.

With reference to the correspondence noted, I have the honour to forward, for the information of the Board, copies of Decrees and Judgments passed by the Principal Sudder Ameen of Tellicherry in Appeal Suits Nos. 150 and 157 of 1868.

Collector to Board of Revenue, dated 15th March 1869, No. 70.

Proceedings, Board of Revenue, dated 22nd March 1869, No. 1,066.

ENCLOSURE No. 1.

(COPY.)

In the Court of the Principal Sudder Ameen of Tellicherry.

(L. S.)

Friday, the second day of April one thousand eight hundred and sixty nine.

Present:—K. R. KRISHNA MENON, Principal Sudder Ameen.

Appeal Suit No. 150 of 1868.

Cheruvallapil Assan by Vakeel Raman ... *Appellant, Plaintiff.*

1 G. A. Ballard, Esq., Collector of Malabar,
2 Kathavallapil Hassan,
3 Pathiyapilangal Pocker, } *Respondents, Defendants.*

Krishen Vakeel Ramiyan.

Plaintiff appeals against the decree of the District Moonsif of Tellicherry (C. R. No. 166 of 1865, in Original Suit No. 100 of 1864, dated 30th March 1868, on the following grounds:—

I.—As petitioner is in possession of the Paramba, Moonsif was wrong in dismissing his suit.

II.—Petitioner's right of possession was recognized by Decree No. 16 of 1862.

III.—The decree is against the rule framed by Government as regards the sale of Government lands.

IV.—Moonsif did not consider that the first defendant acted in violation of the agreement.

V.—The Moonsif did not give usual notices to petitioner.

VI.—Petitioner did not relinquish his right of possession.

DECREE.

This appeal coming on for hearing upon perusing the grounds of appeal, the judgment and decree of the Lower Court, and the records of the suit, and on hearing the arguments of Krishna Vakeel for the Appellant and of Ramayen Vakeel for the first respondent, the other respondents not appearing in person or by Counsel, this Court doth order and decree that the decree of the Lower Court be and the same hereby is confirmed, and this appeal dismissed with costs.

Stamps ... Rs. 8 0 0
Stamp for exemplification ... 0 2 0
Fees for attendance & Diet allowance ... 0 2 0
Fees for translation ... 0 0 0
Fees for service of notice on appellant ... 0 2 0
Fees for service of notice on respondents ... 0 4 0
Fees for exemplification

No process of execution will be issued to enforce this decree unless some proceeding shall have been taken to keep the same in force within three years next preceding the application for such execution.

Given under my hand, etc., 2nd April 1869.

(Signed) K. R. KRISHNA MENON,
Principal Sudder Ameen.

(True Copy on two rolls.)

(Signed) M. VYTHEE MENON,
Shirastadar.

Appeal Suit No. 157 of 1868.

In the Court of the Principal Sudder Ameen of Tellicherry.

Present:—K. R. Krishna Menon, Principal Sudder Ameen.

1. Original suit was brought to set aside the sale of one Parambu by first defendant to the second and third defendants. The right of pre-emption is alleged to exist in plaintiff.

2. First defendant asserted that the plaintiff had no cause of action, having had ample opportunity of exercising her alleged right of pre-emption at the public auction.

3. Second and third defendants contended that the rent payable by plaintiff was 100 Rupees and not 50 Rupees.

4. The District Moonsiff of Tellicherry (J. J. D'Rozario) dismissed the suit with costs.

5. Plaintiff appeals.

JUDGMENT.

Plaintiff appeals against the decree of the District Moonsiff of Tellicherry (J. J. D'Rozario) in Original Suit No. 16 of 1865, dated 31st March 1868, on the following grounds :—

I.—In Clause 3, Section 1, Act XIV. of 1859, no provision was made as regards the sale of Government lands.

II.—The Collector refused to furnish petitioner with copies of certain records.

III.—That the Kuykanom right sold by second and third defendants to fourth defendant is the common property of the Tarward was admitted, and the sale of such right by second and third defendants individually was, therefore, invalid.

IV.—Moonsiff rejected the public documents produced by petitioner in proof of his management of the family affairs.

DECREE.

This appeal coming on for hearing, upon perusing the grounds of appeal, Judgment and Decree of the Lower Court, and the records of the suit, and upon hearing the arguments of appellant, of Ramayen, Vakeel for the first respondent, and of Ramuni, Vakeel for the third respondent, the other respondents not appearing in person or by Counsel, this Court doth order and decree that the decree of the Lower Court be, and the same hereby is, confirmed, and this appeal dismissed with costs.

Costs.	Rs.	A.	P.
Stamp duty on institution	3	0	0
Fee of first respondent's Pleader on Rupees 17-5-9	0	15	0
Do. of third do. do. do.	0	13	0
Value of stamp filed by appellant	0	8	0
Do. by third respondent	0	8	0
Expenses incurred by appellant in procuring evidence	6	10	0
	11	14	0

Costs incurred in the Lower Court.

By plaintiff or appellant	5	12	10
By first defendant or first respondent	1	8	10
By fourth do. or third do.	3	12	10
By fifth, sixth, and seventh defendants, or fourth, fifth, and sixth respondents	0	8	0
	10	10	6

Exhibits, etc., filed in Court.

Memorandum of Appeal in Vakeelnamah 1; Notices 3, Order 1; Bundle of original proceedings 1.

No process of execution will be issued to enforce this decree unless some proceeding shall have been taken to keep the same in force within three years next preceding the application for such execution.

Given under my hand and the seal of the Court this 2nd day of April 1869.

(Signed) K. R. KRISHNA MENON,
Principal Sudder Ameen.

(True Copy on two rolls.)

(Signed) M. VYTHEE MENON,
Shirastadar.

Appeal Suit No. 158 of 1868.

In the Court of the Principal Sudder Ameen of Tellicherry.

Present:—K. R. Krishna Menon, Principal Sudder Ameen.

1. Original suit was brought to set aside the sale at auction by first defendant of the Parambu claim of the Plaintiffs to third and fourth defendants, and also the sale by the second defendant of the Kuykanom right of the same Parambu.

2. First defendant asserted that the suit, as regards the sale of the Jenm right made by himself is barred by Clause 3, Section 1, Act XIV, of 1859, the suit having been instituted one year after the date of the sale.

3. Fourth defendant contended that the sale by second and third defendants individually was good and valid, having been made with the consent of each other and for valuable consideration.

4. Fifth, sixth, and seventh defendants asserted that the plaintiff's alleged right of pre-emption was cancelled by Government, and that the sale made by Government was good and valid.

5. Second defendant died, and third defendant was *ex-parte*.

6. The Hignim Moonsiff of Tellicherry (J. J. D'Rozario) dismissed the suit.

7. Plaintiff appeals.

JUDGMENT.

For the reasons assigned in my judgment in Appeal Suit No. 157 of 1868, I proceed to confirm the Moonsiff's decree and dismiss this appeal with costs.

(Signed) K. H. KRISHNA MENON,
Head Asst. to Agent. *Principal Sudder Ameen.*

(True Copies.)

(Signed) P. C. G. THOMAS,
Collector.

Statement, together with copies of the Board's Proceedings, dated and numbered respectively 7th September 1868, No. 6,352, and 22nd March 1869, No. 1,002

[illegible]

It will be seen from the files of the above-mentioned Proceedings, that [illegible] Nos. 160 of 1861, and 18 of 1865, in the Tellicherry District Moonsiff's Court, were [illegible] and [illegible]

The decision was approved [illegible], and the Collector was authorized to [illegible] the [illegible] Board's Proceedings of 22nd March 1869.

The papers have been [illegible] and the decision of the Moonsiff's Court [illegible]

(True Extract.)

(Signed) H. WILLOUGHBY,
Acting Under Secretary to Government.

No. 6,552.

Proceedings of the Board of Revenue, dated 7th September 1868.

Read the following letter from C. A. BALLARD, Esq., Collector of Madura, to the Acting Secretary to the Board of Revenue, dated Calicut, 8th August 1868, No. 233:—

1. Advertising to the correspondence noted, I have the honour to forward, herewith, copies of

Correspondence regarding Original Suit No. 100 of 1864,	Judgments in Original Suits Nos. 100 of 1864,	
To,	and 101 and 51 of 1865, in the Court of the	
Collector of Madura, dated 19th May 1867, No. 105.	District Munsiff of Tolliehcrry, and translations	
From, Board of Revenue, dated 28th May 1867, No. 93396.	of those in Original Suits Nos. 208 and 337 of	
Original Suit No. 51 of 1865,	1862, in the Court of the District Munsiff of	
To Board of Revenue, 27th June 1867, No. 114.	Parlakad. It will be observed that these suits, in	
From, Board of Revenue, 24th June 1867, No. 4,004.	each one of which the Collector was a defendant,	
Collector of Madura, 29th August 1867, No. 154.	have been dismissed with costs against the plain-	
Private, Board of Revenue, 24th June 1867, No. 3,888.	tiffs.	

2. No notice of appeal against the Munsiff's decree in any of the suits has yet been served on the Collector.

Extracted, No. 1.

(COPY.)

Original Suit No. 100 of 1864.

On file in the Court of the District Munsiff of Tellicherry.

Plaintiff.

Versus

1. Cheruvalanil Achu Nenaky
2. Kanol Kannan (2)

Defendants.

Suit for Rs. 2,000 and interest.

Plaint presented on the 6th day of June 1864.

Pleader for plaintiff:—

1. G. A. Pyarel, Esq., Collector.
2. Tellicherry Pleaders.
3. Pallyeri Pedikandi Nambiar.

Pleader for defendants:—

1. Vakeel Kannan.
2. Tellicherry Pleaders.
3. Pallyeri Pedikandi Nambiar.

Plaint.

Claim for Rs. 2,000 and interest.

Judgment.

The plaintiff sues, the contention of the suit by first to second and third defendants of the 1st January 1859 on the plaint Promissory Note executed by the first defendant as manager on the 6th day of June 1859 in favour of the plaintiff for Rs. 2,000 and interest thereon at 12 per cent. per annum. The second defendant pleads that the first defendant was not authorized to execute the said Promissory Note on behalf of the tarwad, and that the plaintiff's right, if any, is against the first defendant personally. The third defendant pleads that the plaintiff's claim is barred by limitation. The first defendant admits the execution of the said Promissory Note, but pleads that the plaintiff has received the amount due thereon. The issues framed are whether the said Promissory Note was executed by the first defendant as manager of the tarwad, whether the plaintiff's claim is barred by limitation, whether the plaintiff has received the amount due on the said Promissory Note, and what is the amount due to the plaintiff. The plaintiff has produced the said Promissory Note, marked as Exhibit A, and has examined himself as witness. The first defendant has examined himself as witness. The second defendant has not appeared. The third defendant has examined himself as witness. The plaintiff's claim is not barred by limitation, as the first defendant has admitted the execution of the said Promissory Note, and has not pleaded that the plaintiff has received the amount due thereon. The first defendant has not pleaded that the said Promissory Note was executed by him without authority from the tarwad, and has not examined himself as witness. The plaintiff is entitled to a decree against the first defendant personally

plaintiff's right of possession was denied were in ere tenants at [illegible] the consent of the tenant was not found to sell to him. In his written state- [illegible] ment No. 102 of 1864, 1st defendant stated — "The practice of selling is Jenmom [illegible] right to the tenant under a mirasi custom or reason of expediency and policy." I make no doubt that [illegible] to the tenant under a mirasi custom or reason of expediency and policy." I make no doubt that plaintiff, to the tenant under a mirasi custom or reason of expediency and policy." I make no doubt that plaintiff, as

Enclosure No. 5.

TRANSLATION.

In the Court of the District Munsiff of Payanad.

ORIGINAL Suit No. 397 of 1862.

Present:—PAYAT MADAVIL KUTTI RAMA MARAN.

Plaintiffs.	*versus*	*Defendants.*
1. Palekunnat Kolayee Kondan Nayar (died.)		1. P. Grant Esq., Collector of Malabar (transferred); J. C. Hannyngton Esq., Collector of Malabar (transferred); G. A. Ballard, Esq., Collector of Malabar.
2. Payakara Narayanen Numbudri (died.)		2. Kurungot Imbichi Moidin (died.)
Supplemental.		3. Poonilattom Kandatil Komu (died.)
3. Palakunnat Kolayee Uni Chathan Nayar (died.)		4. Oralakote Illat Savitri (female.)
4. Palakunnat Kolayee Chathu Nayar, by Vakeel Shangunni Menon.		5. Pulora Moidin.
		6. Cherapulakel Ali.
		Supplemental.
		7. Payakara Illat Aunugom (female.)
		8. Kurungot Moidin Hajee.
		9. Pokor.
		10. Ukkaya Umma.
		11. Avadarman.
		12. Uppoyi Kutti.
		13. Punlattam Kandatil Payayi Kutti.
		14. Kurungot Kunhatamma (female.)

1st defendant by Vakeel Chathu Kutti Nair. Fourth defendant by Vakeel Kelappen Nair. Tenth, eleventh, and twelfth defendants by Vakeel Gopala Menon.

Decree.

Ordered that the suit be dismissed with costs against plaintiff.

Judgment.

The Outgrome of the land from the second plaintiff to the first plaintiff on which the latter founds his claim to oust the present occupants of the land in question, seems to have been executed prior to the expiration of twelve years from the date on which the land was assigned to second defendant's ancestor on Kanom. The recognition by a Court of Justice of the first plaintiff's Otti claim which is in violation of the undisputed right to pre-emption in favour of tenants with the means whereby they may redeem the rights of Kanomdars from tenures of landlord's Maladom. Moreover, as it is not alleged in the present Suit, that the tenant demanded more money from the original Kanom holder, it is plain that the first plaintiff's claim cannot in any way be supported.

(Signed) KUTTI RAMA MARAN,
Munsiff.

15th February 1868.

(True Translation.)

(Signed) G. A. BALLARD,
Collector.

Ordered to be recorded.

(True Copies and Extract.)

(Signed) A. MACGREGOR,
Acting Secretary.

To the Collector of Malabar.

Vol. T. Cartridge.

Revenue 1869. Sept. 6

Board of Revenue,

MADRAS.

B. 2771

PROCEEDINGS, 12TH AUGUST 1869, No. 5,971.

Copy 17 Aug. 1869 Encl. 2

Received 18th ditto.

AUGUST.

No. 5,971.

Appeal Suits—Nos 156 and 157 of 1868, on file of Tellicherry Principal Sudder Ameen's Court in Malabar District, regarding certain Paramba Land,—Letter from Collector forwarding copies of Decrees and Judgments in, submitted to Government.

B. 2523

Proceedings.

Read the Letter from Collector of Malabar, No. 1,963, dated 28th July 1869, forwarding copies of Decrees and Judgments in Appeal Suits Nos. 156 and 157 of 1868 on the file of the Principal Sudder Ameen's Court of Tellicherry, regarding certain Paramba Land.

Ordered, that the Decrees and Judgments be submitted to Government.

To the Acting Secretary to Government, Revenue Department,

with copies of Board's Proceedings, No. 6,352 of 1868, and No. 1,963 of 1869.

Copy to the Collector of Malabar.

Acting Secretary.

Revenue Department

Proceedings of the Board of Revenue

No. 5,971

Dated 12th August 1869

Read the Letter from Collector of Malabar, No. 1,963, dated 28th July 1869, forwarding copies of Decrees and Judgments in Appeal Suits Nos. 156 and 157 of 1868 on the file of the Principal Sudder Ameen's Court of Tellicherry, regarding certain Paramba Land.

Ordered, that the Decrees and Judgments be submitted to Government.

To the Acting Secretary to Government, Revenue Department,

with copies of Board's Proceedings, No. 6,352 of 1868, and No. 1,963 of 1869.

Copy to the Collector of Malabar.

Acting Secretary.