M.R. G. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	525	Press ~~Mis.~~
15-17.		
Dated	1st March	1869.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 1st March 1869.

Read the following :—

No. 15. Proceedings of the Board of Revenue, dated 1st August 1868, No. 5,611.

Read the following letter from the Collector of Coimbatore, to the Acting Secretary to the Board of Revenue, dated 23rd July 1868, No. 208.

1. I have the honor to forward, for the Board's approval, translation of plaint filed against me in the District Moonsiff's Court at Erode, with draft of proposed answer, and request sanction to defend the suit at the cost of Government.

2. The term for hearing the suit expires on the 10th of September 1868.

ENCLOSURE No. 1.

To the District Moonsiff's Court, Erode.

Plaintiff.—Chinna Vencatarama Naicken, son of Sanjeevee Naiken, Peon of Teroochengode, Talook Cutcherry, about thirty-five years of age, residing at Teroochengode, district of Salem, caste Asthantra Gollah.

versus.

Defendants.—1. Teroovengada Naicken, son of Ramasawmy Naicken, a ryot about forty years of age, residing at Collampolliem, a hamlet attached to Erode, in Perindoray Talook, Coimbatore District, caste do.

2. The Collector of Coimbatore.

Vakeel for the plaintiff, sues the defendants as follows :—

1. That plaintiff's father and first defendant's paternal grandfather, Timma Naicken, were undivided step-brothers.

2. About fifteen years ago plaintiff's father died, first defendant's grandfather and father died previously. Plaintiff and first defendant are their heirs.

3. The punjah and garden lands, situated in Collampolliem, a hamlet attached to Erode, and belonging to plaintiff and first defendant with a well in the garden, were taken up for the use of the Great Southern of India Railway. According to Hindu Law, plaintiff has a right to half of the amount of compensation due for the same. Second defendant, on the 28th November 1867, ordered that the whole sum should be paid to the first defendant.

4. I pray for a decision adjudging the payment to the plaintiff of Rupees 488, being one half of the compensation awarded, namely Rupees 977-2-0.

(Signed) CHINNA VENCATARAMA NAICKEN.

Plaintiff's Vakeel TEROOVAMBALAM PILLAY.

I, the abovesaid plaintiff, Chinna Vencatarama Naicken, do hereby declare, that what is stated herein, is true to the best of my knowledge and belief.

(Signed) CHINNA VENCATARAMA NAICKEN.

Filed 16th April 1868.

(True translation.)

(Signed) A. WEDDERBURN,
Collector.

ENCLOSURE No. 2

Draft of a Written Statement proposed to be filed under Section 120 of the Code of Civil Procedure in the Erode Moonsiff's Court by Moottoosawmy Iyen, Vakeel of the said Court, on behalf of A. Wedderburn Esq., Collector of Coimbatore, and second defendant in the Original Suit, No. 123, on the file of the said Court.

Mr. P. A. Cole, the late Deputy Collector in charge of the Southern Division, gave notice on the 28th November last, that, unless the plaintiff in this suit institute an action in a Court of competent Civil jurisdiction, and produce within six months, that is, the 28th May 1868, a decree of such Court, adjudging that he is entitled to receive a portion of the compensation due on a piece of land which was made over to the Great Southern of India Railway, and which formed part of the land now held on puttah, and occupied by the first defendant Theruvengada Naicken, the portion of the compensation claimed would be paid to the person possessing the said land.

No such order of a Court having been produced, the compensation has been held in deposit, even although the time of notice has elapsed.

Under the circumstances above noted, the Collector, second defendant, is ready to pay the amount to whomsoever it may be adjudged, and prays that his name may be removed from the list of defendants to the suit, and his costs paid by the plaintiff.

(Signed) A. WEDDERBURN,
Collector.

The proposed answer is approved.

No. 16. Proceedings of the Board of Revenue, dated 15th February 1869, No. 984 :—

Read the following letter from the Collector of Coimbatore, to the Acting Secretary to the Board of Revenue, dated Camp at Perindoray, 25th January 1869, No. 14.

1. With reference to Proceedings of the Board of Revenue, dated 1st August 1868, No. 5,611, I have the honor to forward copy of Judgment passed in Suit No. 123, instituted against me as second defendant, in the District Moonsiff's Court at Erode, from which it will be observed that the suit has been dismissed with costs.

2. From the enclosed Memorandum of Expenses incurred in defending the said suit, it will be seen that Rupees 26-11-3 has been recovered from the plaintiff, leaving a balance of Rupees 1-3-0 to be defrayed by Government, and I request that sanction may be accorded for the payment of the latter sum from public funds.

Enclosure No. 1.

JUDGMENT.

In the Court of the District Moonsiff of Erode, Zillah Coimbatore.

Friday, the eleventh day of September, one thousand eight hundred and sixty-eight.

Original Suit No. 123 *of* 1868.

Present :—T. V. Poonoosawmy Pillay, District Munsiff.

Plaintiff sues for Rupees 488-9-0.

This suit came on before me for settlement of issues yesterday, but before the parties were heard, plaintiff and first defendant presented a joint motion to permit them to allow the matter in dispute between them to be settled by an oath. This was allowed, and the first defendant has, as agreed, taken the oath, and, according to the terms of the petition, I dismiss this suit with costs.

2. No provision is made in the petition for the costs of the second defendant, the Collector ; I therefore adjudge that plaintiff do pay to the second defendant his costs.

(Signed) T. V POONOOSAWMY,
District Moonsiff.

(True Copy of a Copy.)

(Signed) A. WEDDERBURN,
Collector.

Proceedings of the Madras Government, Revenue Department, 1st March 1869.

Enclosure No. 2—Memorandum of Costs incurred in defending Suit No. 123 of 1868.

Submitted, together with a copy of the Board's Proceedings, dated 1st August 1868, No. 5,611, for the information of Government.

2. It will be seen that the amount of the cost incurred in defending the suit exceeds by Rupees 1-3-0 that recovered from plaintiff, although, according to the last clause of the Judgment, it is ruled that " plaintiff do pay the second defendant (the Collector) his costs.

No. 17. Order thereon, 1st March 1869, No. 525.

Miscellaneous.

The Government do not understand why any portion of the costs incurred by the Collector in defending the suit were disallowed by the District Munsiff. Information should have been given regarding the necessity for the items of expenditure disallowed. As, however, the balance for which sanction is requested is very trifling, His Excellency in Council authorizes the Collector to disburse the amount Rupees 1-3-0.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.
,, the Accountant General.

Exd. G. A. Turton.

Revenue Department

No. 525.

Proceedings of the Madras Government
Under date the 10th ~~February~~ March 1869.—

Read the following Pro
of the Board of Revenue.

Submitting to Govt. Coimbatore Coll.r's letter reporting dismissal of Suit No. 123 of 1868 filed in Erode Distt. Munsiff's Court regarding compensation for certain lands taken up, by Railway &, reporting dismissal of, and requesting sanction for payment of Rs. 1-8-11 costs not recovered from Plaintiff

(R. E. 15th Feb.y 1869. No. 984)

The Government do not understand why any portion of the costs incurred by the Collector in defending this suit were disallowed by the District Munsiff. Information should have been given regarding the

Govt. of Madras
1869 Feb.y 15

REVENUE.

To

THE BOARD OF REVENUE.

Sir, &c.

Dated March 1st.

Recd.

G. O., 1st March 1869, No 525.

Ans.

LIANCE.

Nos. 15-17.

Re Board of Revenue
Proc.s dt. 1869.

the necessity for the
items of expenditure
disallowed. As, however,
the balance for which
sanction is requested
is very trifling, they
authorize the Collector
to disburse the amount

R. a. P.
1-3-0.—

HD

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11 Copies To Mr. Boyd with an Encl
to Asstt Genl's Dept.

33
4

Sd Mitchell
4

Rubbing of
a Seal in Carth.
Museum