Proceedings of the Madras Government, Revenue Department,
13th July 1871.

No. 154. Read the following Proceedings of the Board of Revenue, dated 28th June 1871, No. 2,602 :—

Read the following letter from the Collector of the Godavery District, to the Acting Secretary to the Board of Revenue, dated Cocanada, 2nd June 1871, No. 194.

I have the honour to forward herewith copies of the decree and judgment passed by the High Court in Regular Appeals Nos. 46 and 55 of 1870, wherein Mr. Gaudolphe was respondent and appellant, respectively.

2. The suits formed the subject of the correspondence referred to in the Government Order dated 23rd November 1870, No. 1,844, communicated with the Board's Order dated 29th idem, Miscellaneous No. 1,728. From the enclosed papers it will be seen that the High Court reversed the decree of the Lower Court; but they directed that each party should bear his own costs both in these appeals and in the Lower Court.

3. The amount of costs incurred on Government side in both the Lower and High Courts is shown in the margin, and I request that sanction may be granted for this amount being disbursed.

	Rs.	A.	P.
In High Court	688	5	9
In Lower Court	706	2	3
	1,394	8	0

4. The sanctioned grant under Law Charges for 1871-72 has not been communicated to this Office as yet.

Enclosures Nos. 1 and 2.— Copies of Decree and Judgment in Regular Appeals Nos. 46 and 55 of 1870.

Resolved that the foregoing letter be submitted for the information and orders of Government.

2. These two appeals arose out of Suit No. 11 of 1869, instituted by Mr. Gaudolphe in the Rajahmundry Civil Court against the Collector of the Godavery District, in his dual capacity of Collector and President of the Municipal Commission.

3. The facts of the case, which have already been before Government several times, may be briefly recapitulated.

4. In 1866 the Municipal Commissioners applied to Mr. Gaudolphe to purchase certain land from him for a public purpose. Mr. Gaudolphe refused all the offers made for the land which was therefore taken up under the provisions of Act VI. of 1857, the orders of Government having been previously obtained, and the matter was (under Section 6) referred to arbitration.

5. Against the award given by a majority of the arbitrators Mr. Gaudolphe appealed to the Civil Court, and the result was that the case was decided in his favour and the matter ordered to be again referred to arbitration, this decision being on the ground of misconduct on the part of the arbitrators and the non-fulfilment by the Collector of a contract alleged to have been verbally made between him and the plaintiff.

6. Against this decree of the Civil Court the Government Pleader was instructed to appeal to the High Court in Government Order of 28th March 1870, No. 396. Mr. Gaudolphe also appealed to the High Court on the ground that the Lower Court had withheld his costs, although the suit was decided in his favour.

7. Copies of the decree and judgment, by which the decree of the Lower Court is reversed, have already been before Government, having been submitted direct by the Government Pleader in his letter dated 17th December 1870, No. 161, communicated to the Board with Government Order of 10th January 1871, No. 55.

8. Both parties having been directed to bear their own costs in both original suit and appeals, the Collector now requests sanction for the disbursement of Rs. 1,394-8-0, being the amount of his costs in both Courts, viz., Rs. 688-5-9 in the High Court and Rs. 706-2-3 in the Lower Court.

No. 155. ORDER THEREON, 13th July 1871, No. 1,214.

Miscellaneous.

THE disbursement is sanctioned.

(True Extract.)

(Signed) D. F. CARMICHAEL,

Acting Secretary to Government.

B5

Rec'd 1871. Defrd

Board of Revenue,

Fo 2182

MADRAS.

PROCEEDINGS, 28TH JUNE 1871, No. 2,602.

Depd 7 July/71

Encl.

Received 8 6 — — —

JUNE.

No. 2,602.

Appeal Suits Nos 46 *and* 55 *of* 1870,—filed in High Court against decision of Rajahmundry Civil Court in Godavery District in Suit No. 11 of 1869, regarding Mr Gaudolphe's land,—Letter from Government Pleader, forwarding copies of decrees and judgments in, submitted to Government, and their sanction requested for disbursement of Rupees 1,394-8-0, amount of C Hector's costs in both Courts. Rs 12 14

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