Proceedings of the Madras Government, Revenue Department,
15th October 1873.

No. 129. Read the following despatch from the Right Honourable the Secretary of State for India :—

JUDICIAL,

No. 12.

INDIA OFFICE, LONDON,
26th August 1873.

MY LORD,—I send herewith a No. in the Packet, Her Majesty's Order in Council, restoring and consolidating the appeals noted in the margin, which I desire you will place in the hands of the law-officers of your Government.

From the High Court, Madras.

The Collector of Trichinopoly..... *Appellant.*
and
Lecamani, widow of the late Zemindar of Marangapury, and the Zemindar of Marangapury. } *Respondents.*

Pedda Amanee and Chinna Amanee. } *Appellants.*
and
The Zemindar of Marangapury... *Respondent.*

2. A duplicate of the abovementioned document will be forwarded by the succeeding Mail.

I have, etc.,
ARGYLL.

His Excellency the Right Honourable
The Governor in Council, Fort St. George.

No. 130. ORDER THEREON, 15th October 1873, No. 1,112.

Miscellaneous.

Letter from Government Pleader, 26th June recorded in G. O., 7th July 1873, No. 699.
Despatch from Secretary of State, 4th June recorded in G. O., 19th July 1873, No. 757.

FORWARDED, together with the enclosure in original, to the Government Pleader, with reference to the papers marginally noted.

(True Extract.)

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

To the Government Pleader.
„ the Board of Revenue.

Exd. F. R. Bantleman.

L. S.

At the Court at Osborne House, Isle of Wight

The 4th day of August 1873

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT	LORD CHAMBERLAIN
LORD PRIVY SEAL	LORD WOLVERTON
MARQUESS OF HARTINGTON	SIR BARTLE FRERE

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 22nd of July 1873 in the words following viz :

"YOUR MAJESTY having been pleased by Your General Order in Council of the 27th November 1872, to refer unto this Committee a humble Petition of Pedda Ammanee and Chinna Ammanee in the matter of certain Appeals from the High Court of Judicature at Madras (Regular Appeal No. 129 of 1869) between the Collector of Trichinopoly Appellant and Lecamani widow of the late Thirumalay Puckaya Naiker Zemindar of Marungapury and Strimath Renga Kristna Muthoo Veera Puckaya Naiker Zemindar of Marungapury Respondents and likewise of the aforesaid Pedda Ammanee and Chinna Ammanee the heirs of Lecamani widow of the late Thirumalay Puckaya Naiker Zemindar of Marungapury Appellants and Strimath Renga Kristna Muthoo Veera Puckaya Naiker Respondents setting forth that on or about the 21st day of August 1868 the above-named Lecamani as the puttam or royal wife of the late Zemindar of Marungapury filed a Plaint in the Civil Court of Trichinopoly against the Collector of Trichinopoly agent of the Court of Wards and guardian of the minor Renga Kristna Muttoo Veera Puckaya Naiker to recover the Zemindari or polliem of Marungapury : that on the 16th day of December 1868 the Collector put in his Answer to Plaint of the above-named Lecamani : that the Cause being at issue evidence was gone into : that the Cause came on for hearing before W. M. Cadell Esquire Acting Civil Judge in the Civil Court of Trichinopoly on the 1st day of September 1869 and a Decree was then made by the Acting Civil Judge dismissing the Plaintiff with costs : that the said Lecamani thereupon presented a Petition of Appeal to the High Court of Judicature at Madras and by a Decree of the 26th April 1871, that Court held that the polliem in dispute is an ancestral hereditary estate but it directed an issue whether the said second named Defendant was the legitimate heir of the last Zemindar : that on the 30th day of October 1871 the Collector of Trichinopoly presented his Petition of Appeal to Your Majesty in Council against the Decree of the 26th April 1871 alleging that the polliem in question was an unsettled Zemindari and the succession dependent on the will of the ruling power and the British Government as such ruling power had and has always exercised the right to regulate the succession to polliems of that character and has a right to nominate the successor to the polliem : that the Cause came on again by way of Appeal before the High Court of Judicature at Madras on the 8th day of November 1871, when the Court said 'The question of law as to the hereditary character of this polliem was decided by 'us in favour of the Plaintiff, but as the question of fact upon the issue as to the legitimacy of 'the second Defendant has been found against him the Decree of the Court of First Instance 'dismissing the Plaintiff's Suit must be confirmed' each party to bear their own costs : that the said Lecamani departed this life on the 16th day of March 1872 : that the present Petitioners who are the junior widows of the said Zemindar presented their Petition of Appeal to Your Majesty

in Council and made the required deposits : that the copy of the Record in the Appeal of the Collector of Trichinopoly was sent to and arrived at the Privy Council Office on the 10th day of July 1872 : that the copy of the Record on the Petitioners Appeal being supplemental to the Record in the other Appeal was sent to and arrived at the Privy Council Office on the 10th day of October 1872 : that an Order was made for dismissing both the said Appeals for want of prosecution on the 21st day of May now last past and information was thereupon sent out from the Privy Council Office to the Petitioners informing them thereof : that the Petitioners were advised and considered that their said Appeal would be in substance disposed of if the said Collector of Trichinopoly succeeded in his said Appeal before Your Majesty and in that view deferred prosecuting their Appeal until the said Collector proceeded with his Appeal inasmuch as if the Petitioners had succeeded in their Appeal and the Appeal of the said Collector had afterwards been heard and a decision given in his favour it would have rendered a previous decision in their favour nugatory : that the Petitioners believed that the said Collector would proceed with his said Appeal and were not informed that the said Collector did not intend to prosecute his said Appeal otherwise they would have proceeded with their Appeal it having been always their intention bonâ fide to prosecute their said Appeal under the conditions aforesaid : that immediately the Petitioners were informed that an Order had been made to dismiss the Collector's said Appeal and their said Appeal they caused a telegram to be sent to a solicitor in London to do what was necessary to endeavour to get their said Appeal restored and to prosecute the same to a hearing and humbly praying that Your Majesty in Council will be graciously pleased to order that the Petitioners said Appeal may be restored to the paper for hearing before the Judicial Committee of Your Majesty's Council and that the Petitioners may have liberty to use the Copy Record in the said Appeal of the Collector of Trichinopoly or so much as may be necessary or for other relief in the premises THE LORDS OF THE COMMITTEE in obedience to Your Majesty's said General Order of Reference have taken the said humble Petition into consideration and having heard Council for the Petitioners the Appellant in the second Appeal and likewise for the Collector of Trichinopoly on behalf of the Zemindar of Marungapury the Appellant in the first Appeal their Lordships do this day agree humbly to report to Your Majesty as their opinion that both the said Appeals ought to be restored and that the Appellants in both cases ought to be at liberty to prosecute the same to a hearing as if the same had not been dismissed for non-prosecution under Your Majesty's General Order of the 13th June 1853 upon condition that the said Appeals be consolidated and heard upon one printed case on each side the parties dividing the expense of copying and printing the Record and that the Appellants in both Appeals do forthwith lodge in the Registry of the Privy Council the sum of three hundred pounds sterling to stand and abide the award of the Lords of this Committee with reference to the costs of these Appeals or either of them and that the parties on both sides and in both Appeals do lodge their printed cases and set down the consolidated Appeals for hearing on or before the 1st January 1874."

HER MAJESTY having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the said Appeals from the Decrees of the High Court of Judicature at Madras of the 26th April 1871 and of the 8th November 1871 be and the same are hereby restored and consolidated with leave to the parties to prosecute the same to a hearing upon the conditions set forth in the said Report which are to be punctually observed obeyed and carried into execution. Whereof the Judges of the High Court of Judicature at Madras for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

ARTHUR HELPS.

52

L. S.

At the Court at Osborne House, Isle of Wight

The 4th day of August 1873

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT	LORD CHAMBERLAIN
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ARTHUR HELPS.

1851

India Office. London
26th August 1873.

My Lord,

1. I send herewith a No in the Packet, Her Majesty's Order in Council, restoring and consolidating the Appeals, noted in the margin, which I desire you will place in the hands of the Law Officers of your Government.

2. A duplicate of the above mentioned Document will be forwarded by the succeeding Mail.

I have the honor to be
My Lord,
Your Lordships most obedient
humble Servant.

Judicial

No 12

From the High Court Madras

The Collector of —
Trichinopoly ... Appellant
and
Lecarnam, Widow of the late Zemindar of Marungapury and
The Zemindar of —
Marungapury ... Respondents

Pedda Amanee and Chinna Amanee ..... Appellants
and
The Zemindar of Marungapury Respondent

His Excellency
The Right Honourable
The Governor in Council
Fort St. George.

Revenue

Judicial 1873 Dept.

No. 28.

Judicial

26th Augt. 1873

The

Letter to Fort St. George

No. 12

15 Aug 1708

Forwards Her Majesty's Order in Council restoring and consolidating certain Appeals, and desiring that the same may be placed in the hands of the Law Officers of Govt.

No. 1112 — 15th Octr 1873.

Received at Ootacamund the 23rd October 1873

Revenue Department.

No. 1112

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 15th Oct. 1873.

Read the following despatch from the Right Hon'ble the Secy of State for India.

Forwarding Her Majesty's Order in Council restoring and consolidating certain Appeals, and desiring that the same may be placed in the hands of the Law Officers of Govt. } H. E. 26: Augt 1873 No 12

Forwarded, together with the enclosures in original, to the Govt Pleader, with reference to the papers marginally noted —

* Letter from Govt Pleader 26: June recorded in G.O. 7: July 1873 No. 699 —
Despatch from Secy of State 4: June recorded in G.O. 19: July 1873 No 757

Govt Pleader M.S. Copy sent 17-10-
3 Do Do with 1 Abstract Encl
14 Do of Recd — " " —
Dec: 30 Octr/73 —

Govt

Copy for Secy in Jud: Dept: Her Majesty's Order will be entered in print in the G.O. as it will have to be communicated to the H.C. —

Legislative

4/45

To
Mr Secretary Smith
Transylvania Office