682

Proceedings of the Madras Government, Revenue Department, 2nd July 1873.

No. 22. Read the following Proceedings of the Board of Revenue, dated 16th June 1873, No. 1,022 :—

Read the following letter from R. J. MELVILLE, Esq., Acting Collector of Vizagapatam, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 8th April 1873, No. 532 :—

I HAVE the honour to report the result of the suit brought by D. Latchiah against Government, the defence of which was sanctioned in Board's Proceedings, No. 316, dated 5th ultimo.

2. The first hearing of the suit was originally fixed for the 20th December 1872, but on my motion it was extended to the 23rd February 1873. Owing to my absence, however, on circuit in the Hills the papers in the suit did not reach me in time to enable me to prepare the draft answer and obtain the approval of the Board for the same within the date. I, therefore, requested the Pleader on behalf of Government to file my written statement pending the sanction of the Board, but my order did not reach him till after the judgment had been passed *ex parte* in favour of plaintiff for Rupees 46-2-11. Plaintiff's claim for interest and costs was rejected. Immediately on my hearing this I put in a review petition explaining the cause of delay. By this time the Board's Proceedings and amended written statement came to hand, and, as the decision already passed by the Munsif was in accordance with the amended statement, I have since withdrawn the motion for [illegible] judgment and decree of the Munsif are herein enclosed. The sanction of the Board is requested to Rupees 55-6-10, being charges incurred in the suit, as particularized below :—

	Rs.	A.	P.
Amount of decree	46	2	11
Stamp duty on application for copies of plaint, etc.	0	1	0
Copyist's fee for do.	0	4	3
Stamp for Vakalatnamah	0	8	0
Do. for review petition	0	8	0
Do. for application for copies of judgment and decree	0	1	0
Do. for copies of do.	1	8	0
Copyist's fee for do.	1	5	3
Pleader's fee	5	0	0
Total...	55	6	10

ENCLOSURES Nos. 1 and 2.—Copies of Judgment and Decree.

PLAINTIFF purchased a piece of land at a Court sale. On the application of the Tahsildar the Court paid out of the sale proceeds the arrears of revenue due by the former holder of the land. The sale having been subsequently cancelled plaintiff became entitled to the refund of the purchase money under Section 258 of the Civil Procedure Code. He brought this suit to recover the sum paid to the Tahsildar. The Court has passed a decree in plaintiff's favour for this sum but has decreed that each party bear his own costs.

2. The Board sanction payment of the costs incurred by the Collector. The sanction of Government is solicited for payment of the amount decreed to plaintiff.

Revenue 1873 Sept
No. 1835

1873.

Board of Revenue,
MADRAS.

PROCEEDINGS, 16TH JUNE 1873, No. 1,022.

Despd. 21 June/73.

Encl. 2
Rect

Received 25 June/73

JUNE.

No. 1,022.

Suit—filed in Rayaveram District Munsif's Court, in Vizagapatam District, for recovery of amount paid to Government on account of land revenue arrears out of sale proceeds of certain land purchased by plaintiff at a Court's sale which was afterwards cancelled.—Sanction of Government requested for payment of amount decreed to plaintiff in —, suit having been decided in his favour. Payment of Collector's costs sanctioned.

Write Order

Copy to the Accountant-General.

" the Acting Collector of Vizagapatam.

Forwarded 1 Jan Encl R 46.2.11

2 July 73

14 Jan Regd by Bo 9 July/73
5 " Accountant G

Recd A. S. Rodgers.

R. 22-23