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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	321	Press
B.P. No.		Mis.

Dated 6. 3. 1974 196 .

Not to be folded or roughly handled

No. 93. Read the following Proceedings of the Board of Revenue, dated 3rd March 1874, No. 472:—

Read the following letter from W. McQUHAE, Esq., Collector of Madura, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Madura, 16th February 1874, No. 41:—

I HAVE the honour to submit herewith translation of a plaint in Original Suit No. 117 of 1873, on the file of the Subordinate Court of Madura, together with a draft of the written statement I propose to put in, and I request the sanction of the Board for the defence of the suit at the public expense.

2. The Sirupalai estate referred to in the plaint was first sold by the Madura District Munsif's Court on the 21st December 1872, and was purchased by one Perea Suppen Servagar for Rupees 114-8-0. On the 16th January 1873, the said purchaser executed a document to the first defendant, by which the former conveyed all his right in the said estate to the latter. The precept of the Court was issued on the 23rd January 1873 under Section 264 of the Code of Civil Procedure, and on the 27th idem a sale certificate was given to the first defendant.

3. The estate was subsequently sold on the 11th January 1873 by the late Principal Sadr Ameen's Court in satisfaction of a certain decree, and was purchased by one Alagirisami Naick for Rupees 6,250. On the 27th March 1873, certificate of sale was given to the said Alagirisami Naick, and the precept of the Court was issued on the 7th April of the said year under Section 263 of the Code of Civil Procedure. On the 27th June 1873, the said Alagirisami Naick, under a bond executed by him, transferred all his rights in the said estate to the plaintiff.

4. The first defendant applied to me for the registry of the estate in his name, and the plaintiff also made a similar application. Considering that the first defendant had the best *prima facie* title, a notice was published in the District Gazette, under date the 29th September 1873, with reference to the Proceedings of the Board, dated 16th November 1871, No. 4,739, to the effect that registry would be made in the name of the 1st defendant on the 15th January 1874, unless prohibited by a Civil Court at the suit of some other claimant. Hence the present suit.

5. As no interest of Government is involved in this suit, I see no objection whatever to the registry of the estate in the name of any person who may be declared by the Court to be entitled to it.

6. The first hearing of the suit is fixed for the 17th March next.

SUBMITTED to Government with the recommendation that the defence of the suit, the value of which exceeds Rupees 1,000, be sanctioned.

No. 94. ORDER THEREON, 6th March 1874, No. 321.

Miscellaneous.

SANCTIONED accordingly.

(True Extract.)

(Signed)

C. G. MASTER,
Acting Secretary to Government.

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

Ed F. R. Bantleman.

Revenue Department

Proceedings of the Board of Revenue

Dated 3rd March 1874, No. 41.

Read the following:—

No. 41.

From

H. McDuffie Esquire

Collector of Madras

To

J. Gross Esquire

Secretary to the Board of Revenue

Madras

Sir,

I have the honor to submit herewith translation of a
Plaint in O. S. No. 117 of 1873 on the
file of the Subordinate Court of
Madras together with a draft of
the written Statement I propose to
put in and I request the sanction
of

Subt. of 1874 Madras.
REVENUE.
THE BOARD OF REVENUE,
Do., Do., Do.
Dated March 6th.
G. O., 6th March 1874, No. 321.
MARCH.
Nos. 93-94.
But No. 117 of 1873, on file of Subord.
nate Court of Madras.—Sanction defence of—

of the Board for the defence of the
Suit at the public expense.

2. The Sirupalai Estate referred
to in the Plaintiff was first sold by the
Madura District Munsiff's Court on
the 21st December 1872 and was purchased
by one Perea Suppen Serragar for Rupees
"8-". On the 16th January 1873, the
said purchaser executed a document
to the 1st Defendant, by which the
former conveyed all his right in the
said Estate to the latter. The precept
of the Court was issued on the 23rd
January 1873 under Section 264 of the
Code of Civil Procedure, and on the
27th Idem a Sale certificate was
given to the 1st Defendant.

3. The Estate was subsequently sold on
the 11th January 1873 by the late Principal
Subj. Ameer's Court in satisfaction of a
certain decree, and was purchased by one
Magerisami Naick for Rupees 6250. On
the 24th March 1873, certificate of Sale was
given to the said Magerisami Naick
and the precept of the Court was issued
on the 7th April of the said year, under
Section 263 of the Code of Civil Procedure.
On the 24th June 1873 the said Mageri-
sami Naick, under a bond executed by
him transferred all his rights in the
said Estate to the Plaintiff.

4. The 1st Defendant applied to
me for the registry of the Estate in his
name and the Plaintiff also made
a similar Application. Considering
that the 1st Defendant had the best
prior

prima facie title, a notice was pub-
-lished in the District Gazette under
date the 29th September 1873, with re-
-ference to the Proceedings of the Board
dated 16th November 1871 No. 1439 to the
effect that Registry would be made
in the name of the 1st Defendant on
5th January 1874 unless prohibited
by a Civil Court at the suit of some
other claimant. Hence the present
Suit

5. As no interest of Govern-
-ment is involved in this suit, I see
no objection whatever to the regis-
-try of the Estate in the name of
any person who may be declared
by

by the Court to be entitled to it.
6. The first hearing of the suit is
fixed for the 17th March next.

I have &c

Madura
Collector's Office } Signed, H. McQuhar
Pierrot Hutcherry } Collector
Camp, Sayalundi
in Ramanad Zemindary
16th February 1874

Submitted to Government, with the
recommendation that the defence of
suit, the value of which exceeds Rupees 1,000
be sanctioned.

1 True copy & Extract,

J. Grose
Secretary.

To
The Secretary to Government
Revenue Department
with 2 original Enclosures to be
returned.

C. H. H. H.
Copied & Signed

