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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

.....DEPARTMENT

G.O. No.	615	Press
B.P. No.		Mis.
Dated 21-5-1874 196 .		

JK

Not to be folded or roughly handled

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615
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*Proceedings of the Madras Government, Revenue Department,
21st May 1874.*

No. 197. Read the following letter from W. SCHARLIEB, Esq., Acting Government Pleader, Madras, to C. G. MASTER, Esq., Acting Secretary to Government, Revenue Department, dated 18th May 1874, No. 84 :—

I HAVE the honour to acknowledge the receipt on the 16th instant of the Proceedings of Government, dated 7th May 1874, No. 563, on the subject of two complaints (returned herewith) proposed to be filed in Calicut against two defaulting carpenter contractors for the recovery of Rs. 585-6-4 and Rs. 382-14-8, respectively.

2. I quite agree with the Board of Revenue that the suits should be laid by the District Engineer on behalf of Government, as he is the local head of the department with whom the contracts were made.

3. I am hardly able to advise, as to the suits themselves, on the facts placed before me and in the absence of the contracts entered into between the parties. I find that the cause of action is laid in the one case on the 21st May 1868, and in the other on the 16th June 1863. If the contracts were registered, then the period of limitation would be six years; if not registered, it would only be three years.* In the latter case, the actions

* See Articles 115 and 117 in the second Schedule attached to Act IX. of 1871. would be barred; in the former case, the suit in which the cause of action is said to have arisen on the 21st May 1868 is about becoming barred, while in the other, the period of limitation will expire on the 15th June 1874.

4. I cannot understand, looking at the complaints, why one suit is proposed to be filed in the District Munsif's Court, and the other in the Sub-Court; for both the suits are within the pecuniary jurisdiction† of the Munsif's Court. Before

† See Section 12, Act III. of 1873. giving any definite advice on these suits, I should like to have the contracts themselves before me. I must be informed whether those contracts were registered or not, and when the breach of contract in each case is supposed to have occurred. In furnishing this information, the attention of the officer giving the information should be directed to Section 23, Act IX. of 1871.

No. 198. ORDER THEREON, 21st May 1874, No. 615.

Miscellaneous.

COMMUNICATED to the Board of Revenue who will be good enough to obtain the desired information, and

furnish it direct to the Government Pleader.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

To the Board of Revenue.
,, the Acting Government Pleader.

Erd. F. R. Bantleman.

No 84

Madras

18 May 1874

From W. Charles Esq
 Ag Government Pleader
 Madras
 To C. G. Master Esq
 Ag Sec^y to Government

Si

I have the honor to acknowledge the receipt on the 16th Inst^y of the Proceeding of Government dated 7th May 1874 No 583 on the subject of two plaints proposed to be filed in Calicut against two defaulting Carpenter Contractors, for the recovery of Rs 585-6-4 and Rs 382-14-8 respectively.

2. I quite agree with the Board of Revenue that the suits should be laid by the District Engineer on behalf of Government, as he is the local head of the Department with whom the Contracts were made.

3. I am hardly able to advise, as to the suits themselves, on the facts placed before me and in the absence of the Contracts entered into between the parties. I find that the Cause of action is laid in the one case on the 21st May 1868, and in the other on the 16th June

* returned herewith

Recd No 99. May 17th
 1874

GOVT. OF 1874
 REVENUE.

THE BOARD OF REVENUE.

Secy.

Dated May 21st.

Recd.

Post.

G. O. 21st May 1874, No. 615.

MAY.

No. 197-188.

Suits to be filed against two Carpenters in
 Calicut District.—Communicates to Revenue
 Board letter from Government Pleader regarding
 certain—and directs certain information to be
 furnished direct to that officer.

June 1868. If the Contracts were registered, then the period of limitation would be six years; if not registered, it would only be three years*. In the latter case, the actions would be barred; in the former case, the suit in which the Cause of action is said to have arisen on the 21st May 1868 is about becoming barred, while in the other, the period of limitation will expire on the 15th June 1874.

I cannot understand, looking at the plaints, why one suit is proposed to be filed in the District Munsiff's Court and the other in the Sub Court; for both the suits are within the pecuniary jurisdiction of the Munsiff's Court. Before giving any definite advice on these suits, I should like to have the Contracts themselves before me. I must be informed whether those Contracts were registered or not; and when the breach of contract in each case is supposed to have occurred. In furnishing ^{this} information, the attention of the officer giving the information should be directed to Section 23 Act IX of 1871.

I have the honor to be

Yours most obedient servant

Wm. Scharlieb

Ag. Government Pleader

N^o. 1385
Revenue 1874 Department.

From Mr. C. J. East Meador.
Madam.

dated 18th }
recd. 21st } May 1874

N^o. 84.
Enc. 2.
Recd. 21st May 1874

Regarding said 10th of Feb^y
your letter is forwarded in
order for review of same
and will be forwarded to you
shortly in response.

21/5

We are 21st May 1874
W. H. Meador

N^o. 615.

Communicated to the

Board of Revenue the
the report enough to
obtain the desired
information and
forward it direct
to the Government.

Placer

for

W. H.

Board of Revenue 21st May 1874
your letter " " "

Recd. 20th of May 1874
W. H. Meador