M.R.O. 1—20,002—12-8-65.

(1) Number of Pages 12.

(2) Date of repair 1.3.68

(3) Initials of the Referencer 26.9.68

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	1642	Press
B.P. No.		Mis.
Dated	15-11-1875	196 .

Not to be folded or roughly handled

No. 190. Read the following Proceedings of the Board of Revenue, dated 23rd October 1875, No. 2,942 :—

Read the following letter from W. H. COMYN, Esq., Acting Collector of Tinnevelly, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 5th October 1875, No. 494.

With reference to the Proceedings of the Board of Revenue, No. 2,399, dated 22nd November 1873, I have the honor to inform you that the High Court have, in confirming the decree in Original Suit No. 7 of 1871, on the file of the District Court, modified such part of it as relates to costs, and have only allowed Vakeel's fee to the Collector, the 1st defendant, on the value of the plaint property in which he was interested, or only Rupees 143-2-0 instead of Rupees 739-4-2 as originally decreed.

2. A copy of the High Court's decision is herewith submitted.

3. The District Court having, on the application of the plaintiffs in the Original Suit, called upon me to refund Rupees 611-12-6, as particularized in the margin, on the 2nd of October, I have, in anticipation of the sanction of the Board, directed the Government Vakeel to pay the amount into Court. The whole amount of costs as decreed in the Original Suit, *i.e.*, Rupees 739-4-2, were collected with interest and credited to Government on the 27th June 1873.

	Rs.	A.	P.
Costs recovered	594	10	2
Interest...	17	2	4
Total...	611	12	6

4. I have the honor, therefore, to request that you will be good enough to obtain the sanction of the Board for the above payment.

5. The late Government Vakeel, Sam[illegible]ada Iyer, to whom the whole amount of the fees, *viz.*, Rupees 737-12-2, was paid in accordance with Board's Proceedings, Miscellaneous No. 3,159, dated 23rd May 1873, has now been called on to refund Rupees 594-10-2.

Enclosure No. 1.—Copy of High Court's Decision.

Submitted to Government with refe[illegible]nce to G. O., dated 15th May 1873, No. 488.

2. This suit was brought to establish [illegible]d plaintiff's claim to certain property valued in the plaint at Rupees 38,777. T[illegible] Collector was made a party in view to the transfer of putta for the portion o[illegible]the property consisting of Ryotwary land. The suit was dismissed by the O[illegible]inal Court and costs, Rupees 739-4-2, were awarded to the Collector on the value of the entire property and the amount with interest was recovered in due course. Vakeel's fees, Rupees 737-12-2, were paid to the Government Vakeel.

3. On appeal the High Court decided that the Collector was entitled to costs only on the value of the plaint property in which he was interested, *viz.*, the putta lands, and modified the original decision accordingly.

4. On the requisition of the District Court the Collector has, in anticipation of sanction, refunded Rupees 611-12-6, the difference between the amount recovered

and that allowed by the High Court. The sanction of Government is requested for the refund.

5. The late Government Vakeel has been called upon to refund Rupees 594-10-2, the amount paid to him in excess of the fees allowed by the High Court.

(A true Copy and Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 191. ORDER THEREON, 15th November 1875, No. 1,642.

Miscellaneous.

THE refund of Rs. 611-12-6 made by the Collector is sanctioned.

(True Extract.)

(Signed) L. A. CAMPBELL,
Under-Secretary to Government.

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

Exd. J. Tulloch.

Govt. of Madras.

REVENUE.

To

The BOARD of REVENUE,

Dated November, 15th.

Read.

G. O. 15th November 1875, No. 1,642.

NOVEMBER
Nos. 100-101.

Appeal Suit from Decree in Suit No. 7 of 1871 on file of Tinnevelly District Court.—Sanctioning the refund of Rs. 611-12-6 made by the Collector being the difference between costs awarded by the District Court and those allowed by the High Court.

No. 2,942.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 23rd October 1875.

Read the following letter from W. H. COMYN, Esq., Acting Collector of Tinnevelly, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 5th October 1875, No. 494:—

WITH reference to the Proceedings of the Board of Revenue, No. 2,399, dated 22nd November 1873, I have the honor to inform you that the High Court have, in confirming the decree in Original Suit, No. 7 of 1871, on the file of the District Court, modified such part of it as relates to costs, and have only allowed Vakeel's fee to the Collector, the 1st defendant, on the value of the plaint property in which he was interested, or only Rupees 143-2-0 instead of Rupees 739-4-2 as originally decreed.

2. A copy of the High Court's decision is herewith submitted.

3. The District Court having, on the application of the plaintiffs in the Original Suit, called upon me to refund Rupees 611-12-6, as particularized in the margin, on the 2nd of October, I have, in anticipation of the sanction of the Board, directed the Government Vakeel to pay the amount into Court. The whole amount of costs as decreed in the Original Suit, *i. e.*, Rupees 739-4-2, were collected with interest and credited to Government on the 27th June 1873.

	Rs.	A.	P.
Costs recovered	594	10	2
Interest...	17	2	4
Total...	611	12	6

4. I have the honor, therefore, to request that you will be good enough to obtain the sanction of the Board for the above payment.

5. The late Government Vakeel Saminada Iyer, to whom the whole amount of the fees, *viz.*, Rupees 737-12-2, was paid in accordance with Board's Proceedings, Miscellaneous No. 3,159, dated 23rd May 1873, has now been called on to refund Rupees 594-10-2.

ENCLOSURE No. 1.—Copy of High Court's decision.

SUBMITTED to Government with reference to G. O., dated 15th May 1873, No. 488.

2. This suit was brought to establish 2nd plaintiff's claim to certain property valued in the plaint at Rupees 38,777. The Collector was made a party in view to the transfer of putta for the portion of the property consisting of Ryotwary land. The suit was dismissed by the Original Court and costs, Rupees 739-4-2, were awarded to the Collector on the value of the entire property and the amount with interest was recovered in due course. Vakeel's fees, Rupees 737-12-2, were paid to the Government Vakeel.

3. On appeal the High Court decided that the Collector was entitled to costs only on the value of the plaint property in which he was interested, *viz.*, the putta lands, and modified the original decision accordingly.

4. On the requisition of the District Court the Collector has, in anticipation of sanction, refunded Rupees 611-12-6, the difference between the amount recovered and that allowed by the High Court. The sanction of Government is requested for the refund.

5. The late Government Vakeel has been called upon to refund Rupees 594-10-2, the amount paid to him in excess of the fees allowed by the High Court.

(A true Copy and Extract.)

Acting Secretary.

To the Acting Secretary to Government, Revenue Department,
with one original enclosure, to be returned, and copy of Board's Proceedings,
dated 22nd November 1873, No. 2,399.

Copy to the Collector of Tinnevelly.

Exd. J. Tulloch.

1642/4

No. 2,399.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 22nd November 1873.

Read the following letter from R. K. PUCKLE, Esq., Collector of Tinnevelly, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Nannagaram, 14th November 1873, No. 637 :—

I HAVE received notice of an appeal to the High Court from the decision of the District Judge in the case alluded to in Board's Proceedings, No. 3,608, dated 21st August 1871, and G. O., No. 488, dated 15th May 1873. As the result of the appeal can in no way affect the interests of Government, I am content to let the matter rest on the records before the High Court, and do not recommend that the Government should be defended in the High Court.

2. The date of hearing is fixed for the 28th November.

THE Board are of opinion that it is unnecessary that Counsel should appear for the Collector at the hearing of the appeal.

(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

To the Collector of Tinnevelly.

Exd. F. R. Bantleman.

G.O 15th May 1873 No 2-43

No 4241 Depts

Rec 1875. 29 Octo

BOARD of REVENUE,
MADRAS.

PROCEEDINGS, 23RD OCTOBER 1875, No. 2,942.

Dept 25 Octo 75

Encl. 2

1 Octo

Oct. 1642 - 15th December 1875

Received 29 Octo 75

OCTOBER.
No. 2,942.

Suit, Appeal—preferred to High Court from decree in Suit No. 7 of 1871, on file of Tinnevelly District Court regarding certain land.—Submitting to Government letter from Collector on subject of—and requesting sanction for refund of Rupees 611-12-6, difference between costs awarded by the District Court and those allowed by the High Court.

Rs 1190

Costs Appl Court 2-43

1873.

Board of Revenue,

MADRAS.

PROCEEDINGS, 22ND NOVEMBER 1873, No. 2,399.

Received

Encl.

16 Dec 4241/75

NOVEMBER.

No. 2,399.

Suit.—*Appeal*—referred to High Court from Decree in Suit No. 7 of 1871 in Tinnevelly Civil Court regarding certain land.—Opinion expressed to Collector that it is unnecessary that Counsel should appear at hearing of,

Revenue Dept.

No. 1642

1642/5

Proceedings of the Madras Government
Under date the 15th November 1875

Read the following
Pro. of the Board of Revenue

Submitting letter from Collector of Tinnevelly on subject of appeal suit preferred to High Court regarding certain land, requesting sanction for refund of Rs. 611. 12. 6, difference between costs awarded by the District Court & those allowed by the High Court.

B. of R. 23rd Octr. 1875. No. 2942

The refund of Rs. 611. 12. 6 made by the Collector is sanctioned

2. From the High Court's judgment it is clear, that the Govt. Vakil was entitled to

14 To the Board of Rev. dtd 16 Nov
1 " the Accountant General

To omit para 2.
There is no necessity to say anything as it is no longer to Govt employ the Vakil may decline a refund

to a fee of only Rs. 143-2-,
and the sum of Rs. 594.10.2
overdrawn by him ought
certainly to be recovered

No 2