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MADRAS RECORD OFFICE**GOVERNMENT OF MADRAS***Revenue*

DEPARTMENT

G.O. No.

210

Press

B.P. No.

Mis.

Dated

14. 2. 1876

196

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
14th February 1876.*

No. 159. Read the following Proceedings of the Board of Revenue, dated 9th February 1876 :—

Read the following letter from G. D. LEMAN, Esq., Collector of the Kistna District, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Masulipatam, 21st January 1876, No. 138.

ONE Challa Kotireddi, of Nallapad, brought a pauper Suit No. 142 of 1868 in the District Munsif's Court at Guntur against one Challa Papireddy. The suit was decided in favor of the plaintiff. Defendant was ordered to pay to Government Rupees 70-8-0 on account of stamp duty. On defendant binding over himself and three sureties for the due fulfilment of the decree, execution was ordered to be stopped pending the decision of the appeal preferred by him in the District Court. The original decree having been affirmed in appeal, execution was applied for and granted against the defendant for the recovery of the stamp duty and subsequent costs. But the Amin returned the warrant of attachment saying that no property of defendant could be found. Execution was then applied for as against the sureties. One of them paid his share of the stamp duty and costs, viz., Rs. 27½. The other two not only did not pay the money, but also objected to the execution as against them on the ground that a decree could not be enforced by process of execution against the sureties of a judgment-debtor.

2. The Court admitted the objection, and execution was stayed. Rs. 56 is still to be recovered on account of stamp duty and costs incurred. The only alternative to recover the sum is a regular action. I have, therefore, the honor to request that the Board will be pleased to permit me to sue the sureties.

SUBMITTED to Government with the recommendation that the Collector be authorised to file a suit as proposed.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Secretary.

No. 160. ORDER THEREON, 14th February 1876, No. 210.

Miscellaneous.

The Government sanction the course recommended under the presumption that the sureties to be proceeded against are solvent.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

To the Board of Revenue.

Erd. F. B. Bantleman.

Revenue Department

Proceedings of the Board of Revenue

Dated 9th February 1876

Read the following

No. 138.

From

L. D. Leman Esqr.

Collector - Kistna District

To

H. E. Stokes Esqr.

Ag. Secretary, Board of Revenue
Madras.

For

One Challa Lotinddi of

Kallapad brought a pauper

suit no. 142 of 1868, in the District

Munsifs' Court at Lunter

against one Challa Papireddy.

The suit was decided in favor

of the Plaintiff. Defendant

was ordered to pay to Government

Govt. of 1876

REVENUE.

THE BOARD OF REVENUE.

Dated February, 1876.

Ref.

2nd

G.O. 14th February 1876, No. 210.

FEBRUARY.

Nos. 159-160.

Survivor in Pauper Suit No. 142 of 1868,
in Kistna District. — Sanctioning the institution of
a suit against — for the recovery of stamp duty and
costs on the presumption that they are solvent.

Rupers 70-8- " on account of
Stamp duty. On Defendant
bidding over himself and 3
Sureties for the due fulfilment
of the decree, Execution was
ordered to be stopped pending
the decision of the appeal pre-
ferred by him in the District
Court. The original decree
having been affirmed in appeal
Execution was applied for and
granted against the Defendant
for the recovery of the Stamp
duty and subsequent costs.
But the amir returned the

3
warrant of attachment saying
that no property of Defendant
could be found. Execution was
then applied for against the
sureties. One of them paid his
share of the Stamp duty and
costs viz. Rupers 27½. The other
two not only did not pay the
money but also objected to the
Execution against them on the
ground that a decree could not
be enforced by process of Execution
against the sureties of a judgment
debtor.

2. The Court admitted the

objection and execution was
stayed. Rupees 56 is still to be
received on account of stamp
duty and costs incurred. The
only alternative to receive the
sum is a regular action. I
have therefore the honor to
request that the Board will
be pleased to permit me
to sue the sureties.

Patna District
Civ. office
Muzaffarpur

I have to

21 January 1876

(sd) S. P. Chatterjee
Dy. Collector for Muzaffarpur

Submitted to Government with
the recommendation that
the collector be authorized to

file a suit as proposed.

(Enc. copy to the Secy)

C. L. G. L. G.
Dy. Secretary

To The Secretary to Government
Revenue Department.

W. C. Hogg
Secy.

No 210

The government sanction the
course recommended under the
presumption that his sureties
to be proceeded against are solvent

2nd Copy to the O.D. of Dec. 14, Feb
14. B. 18 01

14 February 1876

Feb. 11. 2. 76

Received 1876 2d copy

No 591

Proceedings of the
Board of Revenue

Dated 9th February 1876,
No. 110.

No 210 - 14 February 1876

Subscribed by
to Govt. with the same
success as in the case of the
may be acting as
the Executive Council
in London Feb 11. 2. 76
with others

2. 12. 76 14/14 1876