1

Revenue Department

Minutes of Consultations

12th March 1858

Back No 105 to 106

Order No 333 dt 12th March

1858

No. 105. Read the following Extract from the Proceedings of the Board of Revenue; dated 24th February 1858, No. 702.

Read the following letter from the Sub-Collector in charge of Coimbatore dated 20th January 1858.

(Here enter No. 22.)

Resolved that the Enclosure No. 1 of the above letter be submitted to Government with reference to para. 16 of the Board's Proceedings dated 24th November 1857, No. 4129.

Resolved also that the attention of the Sub-Collector in charge be call to the Board's Circular Order dated 24th April 1837, directing Public Officer to adopt an uniform and legible signature.

(A true Extract.)

(Signed) G. S. FORBES, *Secretary.*

No. 106. ORDER THEREON, No. 333; dated 12th March 1858.

Ordered that the foregoing Extract be recorded.

(Signed) H. FORBES,
Acting Secretary to Government.

பாதுகாப்பு பிரிவு-1

செப்பனிடுபவர் பெயர்: தி.ராமகிருஷ்ணன்

செப்பனிடுவதற்காக எடுத்தக்- 01/11/2008
கொள்ளப்பட்ட நாள் 03/11/2008

01/11/08	01/11/08	
சரிபார்க்கும்	சரிபார்க்கும்	ஆராய்ந்தறிபவர்
முதல் நிபாக	2ம் நிபாக	உதவியாளர்
கையொப்பம்	கையொப்பம்	கையொப்பம்

restoration of Mrs Bundy—

Original decree sets forth that Plaintiff's claim was framed

Decree of Civil Court of Coimbatore

333/3

(SS)

Original Suit No 45 of 1850 Moofsy Suit Ameen's Court file

Plaintiff Versus Defendant

Bashcarloo Naicko Erooluppa Naickee

Appeal Suit No 110 of 1850 Civil Court file

Appellant Versus Respondent

Baseearloo Naicko Erooluppa Naickee

Vakeel Soobramoniah

1 The Suit was brought for the recovery of a Bullock Bandy valued at Rupees 35 and the profit attained thereon by Defendant being Rupees 5-9-7.

2 The Plaintiff stated that on the 23d February 1850, while the Bandy in question was being used by him for his private purposes it was forcibly taken possession of by the Defendant on the High Road and underwent certain sepoys on march to Paulghaut and sent on with the said Troops from Paulghaut to Cannanore, the Bandyman and Bullocks having been dispensed with at Paulghaut. That in consequence of this forcible seizure and appropriation of his Bandy they Plaintiff, sustained a loss of Rupees 4 per mensem besides having to incur the further loss of the salary of the Bandyman and food of the Bullocks, and he therefore sues for the recovery of the Bandy in question and 12 days profit at the rate of 4 Rupees per mensem being 5-9-7, and for Rupees 4 per mensem from the date of Plaint until the restoration of the Bandy.

3 The Original decree sets forth that Plaintiff's claim was proved by

1/2 of 4 Sheets Stamp

333/9

Appellant to be employed thereat a preference to the mother Bandy. that the hire of an employe Bandy do not exceed 1/p a month and that the amount carried over be recovered, and that the claims for the Rupees made by Appellant be unpaid.

Judgement

6 The evidence clearly shows that the Appellants Bandy was seized on the occasion in question on the High Road with the knowledge and consent of the Respondent, who made himself responsible for the act. There is nothing advanced by the Respondent to satisfy the Appellate Court that the circumstances were such as to justify the private property of the Appellant being pressed into the service of a Sepoy or the Respondent adduced any evidence to show that he had authority to act in the way he assumed to do.

7 The judgement of the Court is therefore for the Appellant.

8 Under the circumstances of the case, and considering the inconvenience the Appellant was subjected to by being deprived of his Bandy, the Board Judge deems it proper to modify the decree of the Lower Court, and to award the Bandy in question or at the option of the Appellant, the value thereof which at the time of its seizure may be estimated to have been Rupees Thirty six and which it appears has ever since been in the Respondents possession the Court further awards the sum of Rupees 5-8- being other amount of hire received by the Respondent

for

2d of 4 sheets Shwe

333/5

Costs incurred by the Appellant in the Original Suit ____ 8 4 "

Costs incurred by the Appellant in Appeal Suit

Value of Stamp'd Paper ____ 6 "

Batta to Summons Peon ____ 2 "

Vakeels fees ____ 4 6 6 "

Costs incurred by the Respondent in the Original Suit ____ 1 12 "

D° incurred by D° in Appeal Suit

Value of Stamp'd Paper ____ 4 "

Total Rupees ____ 20 6

Deduct

Amount already paid by the Respondent ____ 5 12

Balance to be paid by D° to the Appellant ____ 14 10

Given under my hand, and the seal of the Zillah Court at Coimbatore this 21st day

of January A.D. 1853.

Signed, F. B. Roupell

Civil Judge

With reference to the Circular Order No. 68 of the
of Sudr Adalut, no private compromise entered into by
parties interested in this suit can be valid, unless it first
ives the sanction of the Court by which this Decree was passed.

Signed, F. B. Roupell

Civil Judge

With reference to the Circular Order No. 123 of the
t of Sudr Adalut no applications for the execution of
ees can be entertained after the lapse of 12 years, unless
cted from the general rule of limitation prescribed in c—
ee fourth section XIII Regulation II of 1806, on one or other
e grounds specified in that section

Signed, F. B. Roupell

Civil Judge

ked and signed on the 18th March 1853.

The period for preferring a special appeal from this
ee will expire on the 17th June 1853, on this which time
application for special appeal, accompanied by Copies
the usual Decree previously passed on the Case, must
presented to the Court of Sudr Adalut, or the
lication will be rejected.

No

Extract from the Proceedings of the Boar *nue dated 24th February* 1858.

Read the following letter from the Sub Collector [illegible]ge of Coimbatore dated 20th January 1858.

(Here Ext[illegible]

Resolved that the Enclosure No. 1 of the above [illegible] submitted to Government with reference to para 16 of the Board's Proceedings dated 24th No[illegible]857, No. 4129.

Resolved also that the attention of the Sub C[illegible] charge be called to the Board's Circular Order dated 21th April 1837, directing Public Offic[illegible]pt an uniform and legible signature.

(A true E[illegible]

G. Peters

Secretary.

To

H. FORBES, Esq.,

Acting Secretary to Govern[illegible]

Reve[illegible]epartment.

Copy to Collector.

5331

12

In No 458 of 1858
In Cons 24 Feb[illegible]

24

R 27/3/58

Revenue 1858 No

Cust. House Dublin

No 278

Extract from the Proceedings of the Board of Revenue.

Dated 14th Nov. 25th February 1863.

1 Encl. Returned

No 702

Sub[mitting] with reference to [illegible] Proceedings of 24th November last the Decree of the Civil Court of Cumberland in [illegible] No 116 of 1858.

No 933.

To be returned.

Fort St. Geo: 12th March 58

No 105 & 106