M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 181	~~Press~~ / Mis.
360. 361	
Dated 25 - 1 - 18 61.	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
25th January 1861.

No. 360. Read the following Proceedings of the Board of Revenue, dated 21st January 1861, No. 353:—

Read letter dated 10th January 1861, No. 4, from the Government Pleader Sudder Adálat, reporting the result of his application for review of judgment in Special Appeal Suit No. 140 of 1859.

(In Cons. 12th January 1861, No. 225.)

In Cons. 26th November 1860, *No.* 6,148.

1. Resolved that the letter above recorded, be submitted for the consideration and orders of the Honorable the Governor in Council, with reference to the Order, dated 24th November 1860, No. 2,232.

2. In accordance with the directions given in paragraph 3 of the order just quoted, the Government Pleader preferred a Petition for review of judgment in the Suit above mentioned with the object of obtaining the correction of the error made by the Courts in adjudging payment of mesne profits by Government. The Petition came on for hearing on the 5th instant, but was dismissed by the Court, on grounds which appear, from Mr. Dale's letter, to relate to mere matters of form.

3. Section 378, Act VIII of 1859, seems to contemplate the admission of an application for review of judgment, as the proper course to be pursued when an evident error or omission has occurred in a Decree. The Board, therefore, concur in the remarks made by Mr. Dale in the latter part of paragraph 6, and are unable to suggest any other course for obtaining justice than that recommended in their Proceedings of the 9th November 1860, No. 5,199, viz., an appeal to the Privy Council.

4. Under these circumstances, the Board submit the case for the orders of Government, and request that they may be favoured with instructions in time to enable Mr. Dale to complete the requisite steps before the 1st of March 1861, if an appeal is decided on.

(A true Extract.)

(Signed) J. D. SIM, *Secretary.*

No. 361. ORDER THEREON, 25th January 1861, No. 181.

1. As the case now stands the Governor in Council considers that an appeal ought to be made to the Privy Council from the decree of the Sudder Adálat in A. S. No. 140 of 1859; and he accordingly authorizes the Government Pleader to take the necessary steps to that end.

2. A copy of the order passed by the Sudder on the application for a review of judgment ought to have been laid before Government by Mr. Dale.

(Signed) J. D. BOURDILLON,
Secretary to Government.

Revenue Department.

№353

Proceedings of the Board of Revenue
dated 21st January 1861.

Read letter dated 10th January 1861 № 4
from the Government Pleader Sadr Udalut reporting
the result of his application for review of judgment
in S. A. S. № 110 of 1859.

(In Encs 12th January 1861 № 225)

Resolved that the letter above recorded be
submitted for the consideration and orders of the Ho-
norable the Governor in Council, with reference to the
order dated 24th November 1860 № 2232.

In accordance with the directions given in
para 3 of the order just quoted, the Government Pleader
preferred a petition for review of judgment in the
suit above mentioned with the object of obtaining the
correction of the error made by the Courts in adjudging
payment of mesne profits by Government. The
petition came on for hearing on the 5th instant, but
was dismissed by the Court, on grounds which ap-
pear from Mr Dale's letter to relate to mere matters
of form.

No Objection
to Office

Section 378 Act VIII of 1859 seems to contemplate
the admission of an application for review of judg-
ment, as the proper course to be pursued when an
evident error or omission has occurred in a decree.
The Board, therefore, concur in the remarks made
by Mr Dale in the latter part of para 6, and
are unable to suggest any other course for obtain-
ing justice than that recommended in their Pro-
ceedings of the 9th November 1860 № 2199 Viz an
appeal to the Privy Council.

Under these circumstances, the Board sub-
mit the case for the orders of Government and request
that

that they may be favoured with instructions in time to enable Mr Dale to complete the requisite steps before the 1st of March 1861 if an appeal is decided on.

[A true Extract]

Secretary.

To J. D. Bourdillon Esqr
Secretary to Government
Revenue Department.

Note - No Grounds of the broad appeal can be found stated in the Vide Proc[s] recorded in Govt Proc[s] 4 Nov 24/60 -

Comp[d] 1868.

Rev. 1861 Depart[t]
Pro: of Gov[t] for [illegible]
-191

Proceedings of the
Board of Revenue

Dated 21st
Desp[d] 21st } January 1861
Rec[d] 21st

1 Encl[o]. No 353
not pres[t] in the Record Office

No 181. 25th January.

Submitting for
orders with the Board's ob:
servations a letter from the
Government Pleader report,
ing that the Judges of the
Sudr: Court dismissed the
Petition for review of the
Decree in Appeal Suit
No 1140 of 1859.-

~~From Gov[t] Dep[t] Sec[y] Mad[s]~~
Dat[d] 25th Janry/61 Cons[n] 239 in
Pro: 5. February No 282.

With an order

Rec[d] 11 Feb[y] / [illegible] 187-188.
24 Nov / 60 to 429-438.
Copy in a Letter 68.
[illegible] 4th Feby 1861 No 26.
No 360 & 361.

Cons[n] 25
2.
No 187.

As the case [illegible] Islands the Governor
in Council considers that an appeal ought to be made to the
Privy Council from the decree of the Sudr Court in A.A.
No 1140 of 1859; he accordingly authorizes the Govt Pleader to take
the necessary steps to that end.
2.
Ordered, that the above Letter be laid by the
Secretary in the office for a perusal of the Members of Council
when they shall have occasion to refer to it.

C 22. Jany

I would, as the case now stands
before me at least — Why
the Judges refuse to forward
that which alone is specified
to me — is incumbent — and
is strange — But Decle ought
to have further Particulars
as they, if true, are pointed
in his favour

Exe 23 Jan[y] Dec[e]