

Revenue (1897) Department.

CONFIDENTIAL.

G.O., No. 1583

Confidential No. 922

DATED 24th March 1897

[Despatch Abstract.]

Communicating to the Board of Revenue letter from the Government Pleader submitting the opinions of the Advocate General & himself regarding Hautechur Pension Suit.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Mis	1461	Rev.	16-3-97				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Revenue (1897) Department.

CURRENT No. 2585

Confidential No 31

must be kept
before 3 me
24/3/97



From

The Govt Pleader
Madras

Secretary
Order mis no 1583 d. 24 March 97

Commnd to the
Board of Revenue in continuation
of G.O. no 1461 mis of 16 March 1997

No. 262

Dated 23. 3. 97

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Enclosures

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To the Board of Revenue (D.A.) at 20
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SUBJECT.

Submitting the opinions
given by the Acting
Advocate General and himself
in O.S. No 26 of 1896 on the
file of the Dist Court of Tanjore
Re Hantghus suit.

Note Date fixed for filing
the written statement is
29 March

23/3/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Re Civil suit No 26 of 1896. District Court of
Ganjam.

I concur with the Government Pleader in considering that the alleged adoption of the Plaintiffs father cannot be successfully impugned at this distance of time, though the decision in I.L.R. VI Madras 20 will not operate as res judicata on the question of adoption in this suit. The recent decision of the Madras High Court reported in I.L.R. 20 Madras 40 will also be relied on as an authority that by the operation of the law of limitation, the Plaintiffs father must be regarded as validly adopted. I approve of the alterations suggested by the Government Pleader in the draft written statement. The plaint is, I have no doubt, purposely framed in a dubious and vague manner in order that on the very face of it, it may not be contended that the Pensions Act applies to it. If the obligation to make the yearly payment lies on the Kallikote Zemindar as is really implied by the plaint, the suit of course will not be barred by the Pensions Act. But in that view, the joinder of Government as a party defendant is unnecessary, and

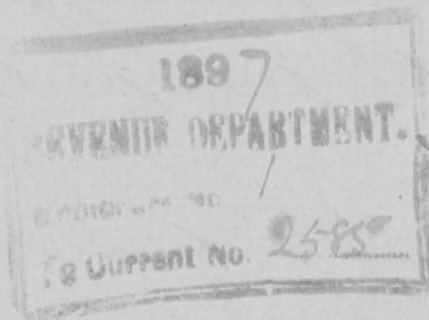
Memorandum of the Government Reader
in the Civil Suit No 26 of 1896 on the file
of the District Court, Fardam.

There was nothing in the papers
submitted to the Mr. Advocate General
and myself to show that the question of
adoption had ever been tried and
decided.

It now appears that in a suit
brought against the widow of the adopted
son by the present 3rd Defendant the
validity of the adoption was expressly
raised and a decision given in favor
of the adoption (A.G. No 10 of 1888 reported
in I.L.R. II Madras 20) Though the judg-
ment in that suit is not binding upon
Government who were neither parties to
it nor ~~present~~ still at this distance
of time it appears to me hopeless to
expect that any attempt to deny the
validity of the adoption could possibly
be successful.

I would therefore suggest that in
paras 8, 11 and the first part of Para 12
be omitted.

The suit must be dismissed on the
numerous



numerous grounds already suggested and
there seems to be no necessity to burden
the record with ~~the~~ mass of evidence
on an issue regarding the adoption,
especially as an adverse decision on
that issue might affect the cost.

Madras
19th March 1894.

W. W. W. W.
Government Pleader.

Confidential.

Government Pleader's Office,

HIGH COURT,

Madras, 23rd March 1897.

No. 262.

From

E. B. POWELL, Esq.,

GOVERNMENT PLEADER,

Madras,

To

THE Secretary to Government,
Revenue Department.

SIR,

With reference to the Proceedings of Government
N^o 1461 and of the 16th instant, I have the honor to
submit the opinions given by the Acting Advocate
General and myself in Civil Suit N^o 26 of 1896 on
the file of the District Court of Gajam.

I have the honor to be,

Sir,

Yours Most Obedt Servt.

E. B. Powell

Government Pleader

Enclosures returned.

1897
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