

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. *446*

DATED *25th Jan'y 1897*

[Despatch Abstract.]

Recording B.P. passing orders on a
letter from the Collector of Godavari, whether on
the death of ^{the} plaintiff his suit under act III
of 1855 abates.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1896) Department.

CURRENT No. 65

From The Board of Rev.
Land Rev.

Order

No. 459 P

Dated 9-12-96.

Received 5-1-97

Registered 6-1-97.

Enclosures

Spare copies

SUBJECT.

Passing orders on a letter from the collector of Godavari whether on the death of the plaintiff his suit under Act III of 1895 abates.

25/11/95

BACK PAPERS.

G.O.	No.	Department.	Date.
Civil Procedure Code	III	1895	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

BOARD OF REVENUE (LAND REVENUE), No. 459, 9TH DECEMBER 1896.

PROCEEDINGS OF THE BOARD OF REVENUE (LAND REVENUE).

READ—the following letter from M.R.Ry. Rao Bahadur P. PURNIAH PANTULU GARU, Deputy Collector, General Duties, Narsapur, to the Collector of the Gódávári District, dated 9th October 1896, Ref. No. 976-Pet.:—

I have the honour to enquire whether a suit brought under Act III of 1895, Madras, abates on the death of the plaintiff, or whether it survives him, his next heir being taken to represent him as in civil suits.

2. There is now a case pending with me in which one Doddipatla Sanyasiraju of Doddipatla brought a suit under the Act for the office of karnam in summary suit No. 8 of 1896. He died on the 18th ultimo, and his father petitioned me praying that the deceased might be represented by either the minor son of the deceased, or his own minor second son and younger brother of the deceased and the suit proceeded with.

Endorsement by G. W. ELPHINSTONE, Esq., Acting Collector of Gódávári, dated 16th November 1896, Ref. on C. No. 4179-Ver.

Submitted to the Commissioners of Land Revenue for orders. The Act is silent on the point raised by the Deputy Collector.

RESOLUTION—No. 459, dated 9th December 1896.

It must be assumed that the right to sue survives, and the law as laid down in section 361, Civil Procedure Code, must be followed.

(True Extract.)

W. D. Moss
Secretary.

To the Collector of Gódávári.
" all other Collectors, except Madras.
Copy to the Secretary to Government, Revenue Department.

Ed. W. D. Moss.

REVENUE DEPARTMENT.

1896.

Board of Revenue

(Land Revenue),

MADRAS.



Printed December 22nd.

Proceedings, No. 459, 9th December 1896.

Passing orders on a letter from the Collector of Gódvári enquiring whether on the death of the plaintiff his suit under Act III of 1895 abates.

The Hon. Mr. G. S. C. E.

22/1/97

25/1

Law. Mr. J. J. J.

Not

Not

This is a case of reference made by a Dy. Colr under Section 18(1) of Act III of 1895, and the Board's decision is given under clause (2) of the same section. The Govt is in no way interested in the matter and the act itself provides that "the correctness of the ~~said~~ decision of the ^{said} Board shall not be contested in any appeal made under this act" (vide concluding portion of the section). Submitted

c. 20/1/97
R. 22/1/97

Read cor. 65 of 97
G.O. no. N.O. 4467 25th Jan. 1897
Recorded.

19.1.97

Submitted for consideration whether the Board may not be told that it may discontinue sending copies of such decisions to Govt.

CA
11 Jan 97
I think the W. and W. in to to I...
1/14-1897

There is no mind who any by not record
13

When given for copying _____
When copied _____ } 189
When examined _____
When signed _____

READ AGAIN G.O., No. 189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING KEPT FOR DESPATCH IN ORIGINAL

A A A A A A A

N.B.-
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.