0/9 2,000—5-8-98.

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 4953

DATED 15th December 98

[Despatch Abstract.]

Recording Board's Progs stating that the decree against the Akkari defaulter in Original Suit No. 767 1885 on the file of the Sub-Court at Cotacamund may be allowed to lapse.

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 (1898) Department.

CURRENT No. 8479

15/12/98

From

The Secretary to the Commissioner of Salt, Abkari and Separate Revenue, Madras.

Order mis No 4955 9/15th Dec 1898

Recorded.

April 8

Mis. No. 4954

Dated 7th December 1898.

Received } 12

Registered }

Enclosures —

Spare copies —

T.P.K. 13.12.98

KD 14/12/98

SUBJECT.

Stating that the decree against the Abkari defaulter in O.S.No.76 of 1885 on the file of the Sub-Court at Ootacamund may be allowed to lapse.

BACK PAPERS.

G.O.	No.	Department.	Date.
Go & 3.P. Rec'd 4111 18-10-95		4168 1.10.95	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

500
6-6-96

REVENUE BOARD OFFICE MADRAS

Proceedings of the Board of Revenue

(Separate Revenue),

Dated 7th December 189 8.

Mis. No. 4254.

Read the following letter from A.Butterworth Esquire, I.C.S, Acting Collector of the Nilgiris, R.C.No.1334/97, dated 16th November 1898:-

under G.O. 4111 18.10.95

" In continuation of this office letter No.679, dated 17th September 1895, and with reference to the Proceedings of the Board, No.4168 Mis., dated 1st October 1895, I have the honour to report the following facts in connection with the Abkari defaulter, V.K.Kesava Pillai, defendant in O.S.No.76 of 1885, on the file of the Sub-Court, Ootacamund.

2. As indicated in para 2(8) of the letter above referred to, the Government Pleader was requested to file an execution petition to keep the decree alive, and the Deputy Commissioner, Kolar, was addressed as to the defaulter's whereabouts and as to the property held by him in the Mysore Province. An inventory of the property was furnished by the Deputy Commissioner, but it was ascertained in the course of correspondence with the District Munsiff of Kolar, the District Judges of Bangalore and Nandidrug and the Chief Court of Bangalore, that the copy of the decree which was transferred for execution on 11th December 1889 to the District Judge, Bangalore, could not be found, while the original decree had been destroyed in the Sub-Court, Cotacamund. Subsequently, on the advice of the Government Pleader, Cotacamund, that nothing further could be done in the Mysore Court6 enquiries were made with a view to find out whether the judgment debtor had any property in this district or in the

Coimbatore ~~Nilgiris~~ district with the result that he was reported to be employed under M.R.Ry.A.T.Tiruvengadasawmi Mudaliar at Coimbatore. Steps were thereupon taken through the Government Pleader, Coimbatore, to arrest the defaulter. Several warrants of arrest were obtained against the party were returned unexecuted as he could not be found, and it has been reported that he left the service of M.R.Ry.A.T.Tiruvengadasawmi Mudaliar some five or six months ago leaving no property in the Coimbatore District, and that his whereabouts could not be ascertained. The Government Pleader, Coimbatore, also advised that in his opinion there was no use in keeping the petition pending for execution by arrest any longer, and stated that no fresh execution petition could be filed hereafter, the decree being more than 12 years old.

3. Under these circumstances, I am of opinion that the matter should be dropped and I beg the favour of Board's orders on the subject. I have however asked the Government Pleader, Coimbatore, to request the District Judge to allow the petition for execution by arrest to remain undisposed of pending the Board's orders, so as to keep the decree alive, but the District Judge may refuse to comply and in that case execution will be barred by limitation. In any case it appears to be improbable that effect can be given to the warrant of arrest and no further application against the property of the judgment debtor could be entertained."

Resolution.

Under the circumstances reported by the Collector the Board considers that the decree may be allowed to lapse.

(True copy and extract)

C.

Acting C.G.Admunthy
~~Assistant~~ Secretary.
10.12.28

To the Collector of the Nilgiris.

Copy to the Secretary to Government, Revenue Department.

C.H.
9/12/28

*When given for copying*____
*When copied*____
*When examined*____
*When signed*____
} 189 .

READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A	
LETTER OF GOVERNMENT.								
STATEMENT WITH DITTO.								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

N.B.—
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