



In Appeal this decision was reversed in the Court of the Principal Suder Amen on the ground that there was nothing in the bond to make Junard hum but responsible for the money advanced, in case any dispute arose regarding the land, and that all that could be awarded was what was provided for in the bond.

Whereat holding himself aggrieved Shrenewas prayed the admission of a Special Appeal in the Suder Dewanee Adawlat which was allowed it being certified that it was done on the ground that the Principal Suder Amen had evidently misconstrued the agreement Junard hum but having by it made himself responsible for any obstructions which might arise, and consequently being bound to carry out his agreement or pay the money.

Whereupon the said case being this day called for hearing and the Dukeels of both parties being present, the Court are of opinion that under the bond in dispute all that the original Defendant Junard hum guaranteed to the original Plaintiff Shrenewas was uninterrupted enjoyment of the mortgaged land rent free for eight years, and reimbursement of any loss consequent on the interference of Government in any way with such enjoyment. It appears that Government have interfered and assessed the land and therefore the original Defendant Junard hum is bound to make good to the original Plaintiff Shrenewas as above, the amount of such assessment. But the Court do not find that the original Plaintiff Shrenewas has any claim against the original Defendant Junard hum for the money advanced to him. On this ground the Court do not hold that there has been any misconstruction of the bond in dispute, and affirm the decree of the Principal Suder Amen with Costs.

Head of Exhibits

- A Letter from the Judge of Dharwar forwarding petition of Special Appeal
- B Petition of Special Appeal
- C Decree of the Principal Sudur (Queen)
- D Decree of the Moonsiff
- E Translation of the Principal Sudur Amee's decree
- F Vukalutnama of Appellant in the name of Vukeel Keeranudeen Meesajee
- G Supplemental petition of Appellant
- H Precept to and return from the Judge certifying "Exhibit No. 2 as called for.
- I Certificate of Special Appeal with translation of the same
- J Precept to and return from the Judge certifying copy of security Bond for costs together with papers and proceedings from the Principal Sudur Amee's Court Nos. 1 to 12 and 1 Canarese record of proceedings and from the Moonsiff's Court Nos. 1 to 17
- K Copy of Appellant's Security Bond for costs.
- L Precept to and return from the Judge with summons
- M Summons to Respondent
- N Vukalutnama of Respondent in the name of Vukeel Dhirajlal Muthooradas
- O Decree of the Sudur Dewanee Adawlat
- P Precept to the Judge of Dharwar forwarding an attested copy of the decree

# Bill of Costs

Costs incurred in the Zillah Courts

In the Principal Sudur Ameen's Court — 14-11-4  
 In the Mooneyff's Court ————— 16-15-2  
31-10-6

In the Sudur Dewanee Adawlat

By Appellant

Petition of Special Appeal — 17 — " — "  
 Nukalutnama ————— " — 4 — "  
 Supplemental petition — " — 4 — "  
 Security Bond ————— " — 1 — "  
 Batta for Summons — 1 — 11 — "  
9-4-"

By Respondent

Nukalutnama ————— " — 4 — "  
 Nukalut fee ————— 2-9-4    2-13-4    12-1-4  
Papers + 3-11-10

R. Meeny  
 Puisne Judge  
 W. Hart  
 Puisne Judge

A. H. ...  
 Acting ...

~~गुणवत्तया २२ मते वसुदेव विनायक उपाध्याय~~

— उपाध्याय      — उपाध्याय      — उपाध्याय

२२/११/१८  
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१४७१६४ ~~अभिप्राय अथ विशेष प्रश्न~~

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६१ ~~अभिप्राय अथ विशेष प्रश्न~~

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"True Translation"

M.M.

Registrar