

Bombay Friday 20th July 1850

In the Suder

Dewanee Adawlut



N^o 11215 Special

Antapa Naik _____ Appellant

_____ Versus _____

Yelapa _____ Respondent

_____ Rupees 50 _____

In this case Antapa prays the reversal of a Decree passed in the Court of the Judge of the Zillah of Dhawar, setting forth, that Yelapa Originally sued him in the Court of the Moonsiff of Soundutty in the said Zillah, for the release from attachment of a house which he alleged had become his property, in satisfaction of a claim he had against Jeewaka, daughter of Bheemapa, on account of her marriage expenses; his Antapas defence being, that he had obtained a decree against the estate inherited by Jeewaka from her father, of which Yelapa was administrator, and that the house had not gone towards defraying Jeewakas marriage expenses.

The

The Moonsiff on a retrial of the case held, that it had been shewn that the house had been given to Yelapa, in Consideration of the Cost he had incurred in paying Jeevaka's marriage expenses and that Antapa's decree could not touch it; and he accordingly ordered its release.

In appeal this decision was affirmed in the Court of the Zillah Judge on the ground, that Yelapa was in bonâ fide possession of the house, and not through fraud in his administration.

Whereat holding himself aggrieved Antapa prayed the admission of a Special Appeal in the Suder Dewanee Adawlut which was allowed, it being certified that it was done on the ground, that Yelapa being administrator to the estate had no right to take any part of the estate itself in satisfaction of his own claims; he was bound to sell it all, and pay all creditors from the proceeds, himself as well as others.

Whereupon the said case being this day called on for hearing and the Deekuls of both parties being present, the Court find that the Judge has not decided the most material point for decision in this case, which is, whether Yelapa actually purchased the house at issue under a bonâ fide conveyance for a fair price; and if so, whether or not the sale of it was necessary
to

to provide the marriage expenses of Jeevaka. If Yelapa can prove such a purchase, the Court do not consider his being administrator to the estate of Jeevaka's father would vitiate the same. The decree of the lower Court is therefore reversed, and the case remanded in order that this point may be decided and a decree may be passed according to law awarding Costs. e

Old
2/18/60

Head of Exhibits

- A Letter from the Judge of Dharwar forwarding Petition of Special Appeal &c.
- B Petition of Special Appeal
- C Decree of the Judge in 2nd trial
- D Decree of the Assistant Judge in 1st trial
- E Decree of the Moonsiff in 2nd trial
- F Ditto Ditto 1st Do
- G Judgment (English Version of the Judge's Decree)
- H Vukalutnama of Appellant in the name of Vakeel Shriy Lal Muthooradas
- I Supplemental Petition of Appellant
- J Certificate of S. Appeal with translation of the same
- K Precept to and return from the Judge certifying Copy of Security Bond for costs together with papers and proceedings from the Judge's Court nos 1 to 17 and 1 Cannarese record of proceedings and from the Moonsiff's Court nos 1 to 83
- L Copy of Appellant's Security Bond for costs.
- M Precept to and return from the Judge with Summons
- N Summons to Respondent
- O Vukalutnama of Respondent in the name of Vakeel Sukirapa
- P Decree of the Suder Dewanee Adawlut
- Q Precept to the Judge of Dharwar forwarding an attested Copy of the Decree

Bill of Costs

In the Sudder Dewanee Adawlut

By Appellant

Petition of S. Appeal _____ Rs 100

Vukalatnama _____ " 20

Supplemental Petition _____ " 20

Batta for Summons _____ " 30

500

By Respondent

Vukalatnama _____ " 20

Rupus 500

Vukal's fee to be reckoned according to the provisions
act I of 1840.

A. K. Kays
Puisne Judge

W. Hart
Puisne Judge

M. K. K. K.
Attorney at Law

मुंघरतारि २० अठेउत्तर ७९६० हुकुमद

उप
उत्तर
दस्तावेज

रुपय
४२९५

अंतापामरि

७९५

समये
२०

अंतापामरि

७९५

१ ~~वर्किय जयेध-उपन्यासयाथा स्वामीयत वामीन-उपि की~~

२ ~~वामि स्वामीयत वामीन-उ~~

३ ~~उपनिमननन वर्किय जयेध-उपि उपे अपि की-उ~~

४ ~~उपनिमननन वर्किय जयेध-उपि उपे अपि की-उ~~

५ ~~उपनिमननन मुनरी फल-उपि उपे अपि की-उ~~

६ ~~उपनिमननन मुनरी फल-उपि उपे अपि की-उ~~

७ वर्कियमेवं

८ ~~यमीपन वामीने-उपे अपि उपे अपि की-उ~~

९ ~~वामि स्वामीयत वामीन-उ~~

१० ~~स्वामीयत वामीन-उपे अपि उपे अपि की-उ~~

११ ~~उपनिमन वर्किय जयेध-उपि उपे अपि की-उ~~

~~उपे अपि उपे अपि की-उ~~

१२ ~~वामीने-उपे अपि उपे अपि की-उ~~

१३ ~~उपनिमन वर्किय जयेध-उपि उपे अपि की-उ~~

१४ ~~उपनिमन वर्किय जयेध-उपि उपे अपि की-उ~~

१५ ~~यमीपन वामीने-उपे अपि उपे अपि की-उ~~

१६ ~~उपनिमननन उपे अपि उपे अपि की-उ~~

१७ ~~उपनिमननन उपे अपि उपे अपि की-उ~~

वामीने-उपे अपि उपे अपि की-उ

२६९६ ~~उपनिमन वर्किय जयेध-उपि उपे अपि की-उ~~

२६९६ ~~उपनिमन वर्किय जयेध-उपि उपे अपि की-उ~~

४ ~~वामि स्वामीयत वामीन-उ~~

62 पत्नीपत्राधर

62 राकूषी

69366 प्राणिकमन्त्र

26966

62 शिवादेव पत्नीपत्राधरमन्त्र

26766

66

~~पत्नीपत्राधरमन्त्र~~

~~उत्तमगोपारमन्त्र~~

~~अमरनाथपत्राधरमन्त्र~~

~~पत्नीपत्राधरमन्त्र~~

~~नाथपत्राधरमन्त्र~~

~~उत्तमगोपारमन्त्र~~

~~पत्नीपत्राधरमन्त्र~~

True Translation

Mimi

1st Aust. Reg.