

Bombay, Friday, 22nd June 1860.



In the Sudder Dewanee Adawlut

N^o 4219 Special.

Jivra Khunlal _____ Appellant

_____ Versus _____

Bhaoo Wassodeo Naiti _____ Respondent

_____ Rupees 280. 0. 0. _____

In this case Jivra Khunlal prays the reversal of a Decree passed in the Court of the Joint Judge of the Zillah of Dharwar, setting forth, that Bhaoo originally sued him in the Court of the Moonsiff of Belgaum in the said Zillah, for the release from attachment of certain produce of a field attached by him under a decree against one Papuna, which field Bhaoo alleged he had purchased from the said Papuna

The Moonsiff held that Bhaoo had failed to establish his claim, which was accordingly

accordingly thrown out.

In Appeal this decision was reversed in the Court of the Joint Judge on the ground, that the property attached was the produce of a field, which field had already been declared in another suit to have been sold to Bhaoo.

Whereat holding himself aggrieved Jivra Khunlal prayed the admission of a Special Appeal in the Suddur Dewanee Adawlut which was allowed under the following certificate of the Sitting Judge.

"I must admit a Special Appeal
"in this case: the claim is to raise an at-
"tachment off some rice and potatoes grown
"in a field sold by Papuna to Bhaoo: the
"question is not whose the field is, but whose
"is the produce, and neither party, and
"neither Court appear to have seen that
"the field may be Bhaoo's or Papuna's
"but that the produce need not of neces-
"sity belong to either, and the case should
"have been returned for retrial; but as that
"can only now be done by admitting a
"Special Appeal this is admitted ac-
"cordingly.

Whereupon the said case being this day called on for hearing and the Vukeels of both parties being present, the Court find, that the field of which the produce has been attached has been proved to be the property of Bhaoo, and that Bhaoo had been in possession of it for nearly a year before the time the attachment was placed upon its produce. Under these circumstances the Court does not consider that it is necessary to remand this case for retrial on supposition only, that the produce may possibly have been the property of Pajuna, and under this view the decree of the joint Judge is confirmed and this Appeal dismissed with costs.

	Head of Exhibits
A	Letter from the Judge of Sharnan forwarding Petition of Special Appeal ^{see}
B	Petition of S. Appeal
C	Decree of the joint Judge
D	Decree of the Munsiff
E	Judgment (English Version of the Jt Judge's Decree)
F	Vikalutnamua of Appellant in the name of Vikeel Jukeerapa
G	Supplemental Petition of Appellant
H	Vikalutnamua of Respondent in the name of V. Guesh Hurry
I	Precept to and return from the Judge certifying Decree and Durkhaust
J	Certificate of S. Appeal with translation of the ^{same}
K	Precept to and return from the Judge certifying ^{copy}

Head of Exhibits continued

Copy of Security Bond for costs together with papers and proceedings from the Joint Judge's Court nos 1 to 13 and from the Moonsiff's Court nos 1 to 50.

- L Copy of Appellant's Security Bond for costs
- M Precept to and return from the Judge with Summons
- N Summons to Respondent
- O Decree of the Sudr Dewanee adalut
- P Precept to the Judge of Dharwar forwarding unattested Copy of the Decree

Bill of Costs

Costs incurred in the 3 Courts

In the Joint Judge's Court		
Regarding appeal	_____	34-2-4
²⁰⁰ fee & retaining fee of the	_____	8-14-4
Vakeel in the Moonsiff's Court	_____	42-14-8
In the Moonsiff's Court	_____	74-10-10
In the Sudr Dewanee Adalut	_____	117-9-6
By appellant		
Petition of Appeal with	_____	22-u-u
addl. paper	_____	
Vakalatnama	_____	1-u-u
Supplemental Petition	_____	1-u-u
Security Bond	_____	u-2-u
Batta for Summons	_____	u-1-6
		24-3-6
By Respondent		
Vakalatnama	_____	1-u-u
Vakeel's fee	_____	8-6-4
		9-6-4
		<u>33-9-10</u>
		<u>Rupees 157-3-4</u>

R. Shetty
Puisne Judge

W. Hart
Puisne Judge

J. P. ...
Acting ...

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True Translation

M.M.

1st Asst. Recg.