

Bombay, Friday, 22nd June 1860.



In the Sudder Dewanee Adawlut,

N^o 4220 Special.

Jivra Khunlal. Appellant,

Versus

Bhavo Wassoodes Naik Respondent.

Rupees 40.0.0.

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 Bhavo 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 in satisfaction of a Decree against one Papuna, which field Bhavo alleged he had purchased from the said Papuna. The Moonsiff held that Bhavo was entitled to an award in his favor

to the extent of half his claim, and he accordingly ordered the release of half the produce.

In Appeal this decision was amended in the Court of the joint judge of Dharwar who awarded the whole of Bhavo's claim for reasons recorded in another suit.

Whereat holding himself aggrieved Jivra Khuntal prayed the admission of a Special Appeal in the Sudder 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 attachment
"off some Nachnee grown in a field
"sold by Papuna to Bhavo: 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 Bhavo's
"or Papuna's but that the produce need not
"of necessity 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
"accordingly."

Whereupon the said case being this day called on for hearing and the Vakeels 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 the supposition, only, that the produce may possibly have been the property of Tapuna, 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 Sharwar forwarding
the Petition of Special Appeal &c.
- B Petition of S. Appeal
- C Decree of the Joint Judge
- D Decree of the Mousiff
- E^v Judgment (English Version of the Jt Judge's Decree)
- F Vakalatnama of Appellant in the name
of Vakeel Tukirapa,
- G Supplemental Petition of Appellant
- H Vakalatnama of Respondent in the name

Head of Exhibits continued

of Nakeel Gunesch Hurry

- I Certificate of S. 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 Jt Judge's Court Nos 1 to 14 and from the Moonsiff's Court Nos 1 to 22
- K Copy of Appellants Security Bond for costs
- L Precept to and return from the Judge with Summons
- M Summons to Respondent
- N Decree of the Sud Dewanee Adalat
- O Precept to the Judge of Dharwan forwarding an attested copy of the Decree

Bill of Costs

Costs incurred in the Courts

| | | |
|----------------------------------------|---------|----------------------|
| In the Joint Judge's Court | | |
| Regarding Appeal | 5-9-3 | |
| Do fee & retaining fee of the | 1-8-11 | |
| Nakeel in the Moonsiff's Court | 7-2-2 | |
| In the Moonsiff's Court | 16-9-10 | |
| | | 23-12-" |
| In the Sud Dewanee Adalat | | |
| By Appellant | | |
| Petition of S. Appeal with add. papers | 5-0-0 | |
| Vakalatnama | 0-2-0 | |
| Supplemented Petition | 0-2-0 | |
| Batta for Summons | 0-1-6 | |
| By Respondent | | 5-5-6 |
| Vakalatnama | 0-2-0 | |
| Nakeel's fee | 1-3-2 | |
| | 1-5-2 | 6-10-8 |
| | | <u>Rupies 30-6-8</u> |

S. Meena
 P. Meena Judge
 M. Meena
 J. Meena Judge
 H. Meena
 A. Meena

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True Translation

M. M. M.
1st Asst. Prof.