

Bombay Friday 16th November 1860

In the Suder



Dewanee Adawlut

No 4226 Special

Babjee Punt Joshee deceased, his son
and heir Ramchunder Babjee resident } Appellant
of Nawulgoond (Plaintiff). —

— Versus —

Erapa, deceased, represented by his widow
Rindowa, and brothers Veerpayapa and
Wasapa, residing in Nawulgoond (De- } Respondents
fendants). —

Rupees 401. 8. 0.

The claim in the original suit
was to recover Rupees 401. 10. 0, due on a
bond passed by Erapa, deceased, to Babjee
Punt, original Plaintiff.

This Special appeal is from a
decision in appeal (No 827 of 1857) by
the joint Judge of Dhawar, affirming,
with costs, the decision in the original
suit of the Moonsiff of Sourduttee, which
threw out the claim of Babjee..

Whereat Ramchunder Babjee
the son and heir of Babjee, being dissatis-
fied, made Special appeal to the Suder

Dewanee

Dewanee Adawlut on the following grounds..

1st That the document N^o 32 being on plain paper should not have been received in evidence.

2nd That bond N^o 2 is not cancelled by the document N^o 32 even if it were admitted..

The Court are of opinion that the document N^o 32 being on plain paper cannot affect the validity of the bond on which the suit is brought, and as its genuineness is admitted, they reverse the decree of the lower Court; and determine that the suit be remanded, with reference to the points of objection stated in the answer put in by Cerapa as Defendant in the original suit, for trial as to whether, or not, the amount claimed is due, awarding costs..

Bill of costs.

In the Suder Dewanee Adawlut

To appellant _____ 41

To Respondent _____ 1⁵

Rupees 42

Nukes's Fee to be reckoned according to the provisions of Act I of 1845

R. Keays

Puisne Judge

Heoban def Puisne Judge

Dr W. Hunt

Puisne Judge

H. Deben

Acting Secy. dtd

Ch.
29/1/45
Ch 29/1/45

