

Bombay, Friday, 16<sup>th</sup> November 1850.

In the Sudr



Dewanee Adawlut

No 4230 Special.

Shidlinguya Heremet, resident of yawugul Talooka Nawulgoond (Plaintiff) } Appellant

— Versus —

Ayupa Wake, resident of yawugul Talooka Nawulgoond (Defendant) } Respondent

— Rupees 0 - 2 - 8. —

The claim in the original suit was to recover 2½ Annas on account of Haks.

This Special appeal is from a decision in Appeal (No. 808 of 1850) by the joint Judge of the Zillah of Dharwar, annulling with costs the decree of the Moonsiff of Roan, who awarded the claim of Shidlinguya with costs.

Whereat Shidlinguya being dissatisfied, made special appeal to the Sudder Dewanee Adawlut on the following grounds.

1st That the decision was opposed to the ruling of the Sudr Dewanee Adawlut in Special appeals Nos 3794 4000 and 3674.

2<sup>nd</sup> That a discretionary power is vested by law in the Moonsiff as to admitting a supplemental petition

The Court reverse the decree of the Joint Judge; and the case is remanded under the provisions of Section 351 of Act VIII of 1859, that the Appellate Court may proceed to investigate the case on its merits, and pass a new decree awarding costs.

### Bill of Costs

Vakeel's fee to be reckoned according to the provisions of Act I of 1845.

M. Kheys

Puisne Judge

H. Kheys

Acty Puisne Judge

for W. Hart

Puisne Judge

H. Kheys

Acting Puisne Judge

Ch. J. B. P. S.  
22/12/61

Ch. J. B. P. S.  
22/12/61

