

Bombay Friday 11th December 1860.

In the Suder



Dewanee Adawlut

N^o. 1248 Special

Goorlingapa bin Dodapa Teepa resident
of Purwutee (original Plaintiff) ————— } appellaut

— Versus —

Bhowrao Vinhubish resident of Purwutee
(original Defendant) ————— } Respondent

Rupees 50.

The claim in the original suit was
for the release of a house from attachment.

This Special appeal is from a deci-
sion in appeal (N^o. 128 of 1859) by the
Assistant Judge of the Zillah of Bharwar, af-
firming the decree in the original suit by the
Mousiff of Roan, who threw out the claim of
Goorlingapa and affirmed the attachment.

Whereat Goorlingapa being dissatisfied,
made Special appeal in the Suder Dewanee
Adawlut on the following grounds.

That

1st That the assistant Judge has misconstrued exhibit N^o 9 there being nothing in the document which can be held to amount to an acknowledgment that the Petitioner was a tenant of Kalowa.

2nd That the house which was built by the Petitioner cannot be made liable for Kalowa's debts although her rights to the land on which it stands may be held to be established.

3rd That only Kalowa's right to receive rent for the land in question can be attached and sold by her judgment creditor.

The Court reverse the decree of the Assistant Judge and remand the case for further investigation. Costs to follow the final decision.

Bill of costs

In the Suder Dewanee Adawlut

By appellant	7 4 -
By Respondent	" 2 -
	<u>Papers 7 - 6 -</u>

Wheeler's Fee to be reckoned according to the provisions of Act II of 1840.

D. Keey
 Puisne Judge
 H. Keey
 Act. Pains Judge
 J. H. Keey
 Puisne Judge
 Acting Pains Judge

Ch 11/10/01

Ch 11/5/01

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True Translation

Edward Harrington
Act Assistant Registrar