

Bombay Friday 14<sup>th</sup> December 1860.

In the Suder



Dewanee Adawlut

N<sup>o</sup> 11250 Special

Sunguya bin Dadaya Langum resident  
of Purwutee (original Plaintiff)..... } appellant

— Versus —

Bhowrow Virkuteesh 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  
decision in appeal (N<sup>o</sup> 433 of 1859) by the  
Assistant Judge of the Zillah of Bharwar,  
affirming the decree in the original suit by  
the Moonsiff of Poan, who threw out the  
claim of Sunguya and affirmed the attach-  
-ment.

Whereat Sunguya being dissatis-  
-fied, made Special appeal in the Suder  
Dewanee Adawlut on the following grounds..

1<sup>st</sup> That the assistant Judge has  
misinstructed exhibit N<sup>o</sup> 9 there being  
nothing in the document which can

be held to amount to an acknowledgment that the Petitioner was a tenant of Kalawa.

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

3<sup>rd</sup> That only Kawala'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 Dewane Adawlut

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

Wheels' Fee to be reckoned according to the provisions of Act II of 1846.

R. Keays

Preside Judge

H. A. Gibson

Acting Preside Judge

W. W. West

Preside Judge

J. C. W. Brown

Acting Preside Judge

*[Faint handwritten notes and signatures on the right margin]*



964  
~~उद्योग विभाग~~

965  
~~अभिज्ञान~~

62  
~~विभाग~~

966

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True Translation

Edward Harrington  
1st Assistant Registrar