Bombay, Monday, 17th December 1860

In the Sudr Dewanee Adawlut

No. 4260 Special

Mahomed Khan Wullud Mahomed Khan Patel and Koolkurnee inhabitant of Kirulghee Peta Kurjghee (original Plaintiff)	Appellant
Versus	
Aoleea Khan Wullud Sabas-khan inhabitant of Kirulghee (original Defendant)	Respondent

Rupees 34-10-0

The claim in the original suit was to establish a right to a share of a Patel and Koolkurnee wuttun.—

This special appeal is from a decision in Appeal (No 91 of 1859) by the Acting Judge of the Zillah of Dharwar reversing with costs the decree in the original suit of the Moonsiff of Havaree who awarded the share claimed in favor of Mahomed Khan.—

Whereat Mahomed Khan being dissatisfied, made special appeal in the

the Sudr Dewanee Adawlut on the ground that the decision was opposed to Mahomedan law.

The Court confirm the decree of the Zillah Judge with costs.

Ex 30/4/6[illegible]

Bill of costs

In the Moonsiff's Court	25-5-9	
In the Judge's Court	7-8-5	
In the Suder Dewanee Adawlut		
To appellant	7-4-	
To Respondent	1-2-7	8-6-7
	Rupees	41-4-9

Ex 30/4/6[illegible]

R. Keays
Puisne Judge

H. Newton
Actg Puisne Judge

W. Hart
Puisne Judge

H. Hebbert
Acting Puisne Judge

[illegible]

[illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

True Translation

Edward Harrington

1st Asst. Registrar

Appl. 42/60

The C[ourt] find that independent of the question of Mahomedan Law raised on the certificate, the Judge has held it proved that Abdul Rahim has been in possession of the share of the estate in dispute as proprietor for upwards of fifty years, & they consider that this, under the ~~Statute~~ Law, gives him a title by prescription. Without therefore affirming or denying the usage of the country with regard to adoption among Mahomedans as laid down by the Judge, the C[ourt] see no ground to interfere with his decision.

The decree of the Judge is confirmed accordingly with costs.

J.D.K.

17 Dec. 1860

W.A.

[illegible]

260 Special
Mohomed Khan
vs
Meakhan wd.
Naskhan
Rs. 34-10-"
Dharwar

Brought on this case as per mar. gin.

Vukeels Tukeerapa & Gramoodin Meajee for Appt. & Vishnoo Rowjee for Respondent.

Read the proceedings of the lower Courts and the certificate granted by W. H. Harrison Esquire dated 17th February 1860.