

Bombay, Friday, 14th December 1858

In the Sudder



Dewanee Adawlat

No. 4256 Special

Sungapa bin Suntuwaja, resident of Parwatee } Appellant
(original Plaintiff) _____

Versus

Bhowrow Venkatesh, resident of Parwatee (ori- } Respondent
ginal Defendant) _____

Rupees 50 - 0 - 0

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

This Special appeal is from a decision in Appeal (No. 432 of 1857) by the Assistant Judge of the Zillah of Dharwar, affirming the decree in the original suit by the Moonsiff of Roan, who threw out the claim of Sungapa and affirmed the attachment.

Whereat Sungapa being dissatisfied made Special appeal in the Sudder Dewanee Adawlat on the following grounds.

1st That the Assistant Judge has miscon-
-strued Exhibit No. 9 there being nothing
in the document which can be held to

amount

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 Ka-
 lowa's debts although her rights to the land
 on which it stands may be held to be esta-
 blished.

3rd That only Kalowa's right to receive
 rent for the land in question can be attach-
 ed 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. *15/1/01*

Bill of costs

In the Sudee Dewance Adawlut
 By appellant _____ 7-4-"
 By Respondent _____ " 2-"
Rapees 7-6-" *15/1/01*

Vukel's Fee to be reckoned according to
 the provisions of Act II of 1845 *15/1/01*

R Heays
 Puisne Judge
 W. Weston
 of Prime Judge
 F. W. W. W.
 Prime Judge
 H. W. W.
 Acting Prime Judge

