

et  
Bombay, Monday, 28<sup>th</sup> January 1861

In the Suder.



Dewanee Adawlut

N<sup>o</sup> 4280 Special

Gooroowa Kom Mudiwalapa Shettee, resident  
of Hosritee, in the Dharwar Zillah (Original  
Defendant)

Appellant

vs

Boolapa Desace, inhabitant of Hundig  
-noor (original Plaintiff)

Respondent

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The claim in the original suit was to  
recover possession of some land.

This special appeal is from a decision  
in appeal (N<sup>o</sup> 335 of 1858) by the joint Judge of the Zillah  
of Dharwar, reversing with costs, the decree in the  
original suit of the Moonsiff of Haveree, who threw  
out the claim of Boolapa, the original Plaintiff.

Whereat Gooroowa being dissatisfied, made  
special appeal in the Suder Dewanee Adawlut on  
the grounds.

1. That the joint Judge departed from  
law in decreeing to the Plaintiff the  
restoration of the land which had been  
held in Inam by the Defendant for 30  
years.

That

2 That even if the land were service land, and service not rendered, still Plaintiff would have only a claim to the assessment, and not to oust the Defendant.

3. That the joint judge's decision is contrary to the custom of the country, inasmuch as even if a tenant only, still Petitioner is not liable to be ousted so long as she pays the regular assessment of the land.

The Court confirm the decree of the joint judge with costs.

Bill of costs

In the Moonsiff's Court	12-9-1
In the joint Judges Court	8-13-5
In the Muder Dewanee Adawlat	
By appellant	3-8
By Respondent	11-11 4-6-11
	<u>Rapees - 25-13-5</u>

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13/5/61

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A. Shetty  
 Puisne Judge  
 H. H. Chitambar  
 Asst. Puisne Judge  
 W. C. Bhat  
 Puisne Judge  
 H. N. Kulkarni  
 Asst. Puisne Judge



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True Translation

Edward Harrington  
Pet Assnt. Registrar