

5839156881123 Bombay, Monday, 3rd March 1862

In the Sudder

Dewanee Adawlut



No. 4306 Special

Bulwuntrao Venkutesh resident of
Nipanee (original Plaintiff) } Appellant

At

Bittul Goondo resident of Nipanee
(original Defendant) } Respondent

Rupees 198 - - - -

The claim in the original suit was to recover possession of some gold and silver ornaments stolen from a house.

In appeal, No. 120 of 1857, the Acting Judge of the Zillah of Sharwar reversed the decree of the Moonsiff of Chikodee and nonsuited Bulwuntrao with costs on Bittul Goondo.

Dissatisfied, Bulwuntrao made special appeal in the Sudder Dewanee Adawlut arguing that the Acting Judge was wrong in applying section II of Regulation XIV of 1827 to this case, and that Respondent not having been convicted by the Magistrate for the robbery the Petitioner has a right under section XXI of Regulation II of 1827 to file an action for the recovery of his property.

The Court reverse the decree of the Acting Judge and remand the case in order to his deciding whether the Respondent came by the ornaments honestly and whether he held them as pawn and passing a new decree on the merits. Costs to follow the final decision.

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True Translation
Charu Gupta
1st Assist. Registrar

in the Oct. & he might claim them
 drawn & otherwise he found them. Much
 of them can Oct. he will not be found
 from claiming his own, when he is
 put between him & the ship - is said
 by one of Mr. who has he later has
 any money he is in them or not - If it
 be true that the ornaments were not
 stolen or fraudulently obtained from Oct.
 the presumption is, from their being
 in Capt's possession, that he came
 of them honestly & told them, as
 he says he did, as pawned. He
 thinks it was his duty to divide
 between the Mr. so, or not

Under his said an answer he L-ter
 from them and he once in order to
 his finding his own part & paying
 a good share as he wishes. Let it
 show he paid division

3 March 1872.

H. B. ...
 Abbotcock Fisher
 at ...

Ex. No. 4306.

It is objected to the petition that
 the case is now in appeal Aug. 25th of
 1827, the 2^d. to this case: - & that the
 act having been assented to by the
 for the Attorney, the App. has a right
 under day 11 of 1827, the 21st. to file an
 return for the recovery of his property.

We are of opinion that the deed be
 as void when, and applied to the
 the grant. Its object, we hold to be,
 prevent persons being sued as the
 Courts for damages alleged to have
 caused by their commission of the
 have certain specified offences. The
 before the act touch the owner but of
 other property. This is by the 15th
 of 1827, the 21st. especially pre-
 scribed to be by the owner under all
 circumstances. Had the Act been
 assented to and passed for stealing
 the ornaments in dispute, this d.
 act has entitled him to claim
 those ornaments: then award him
 as the case