

1/62 60341-3  
Bombay, Monday, 3<sup>rd</sup> March 1862.

In the Sudr



Dewanee Adawlut

N<sup>o</sup> 4309 Special  
Dhondo Ramchunder Sudwaker and  
Balajee Rughoonath Satoshker, residents  
of Malwan (Original Plaintiffs) } Appellants

Narajee Shivajee Deoolker, resident  
of Dewalee, Turf, Maseoor (original  
Defendant) } Respondent

Rupees 7-8-

The claim in the original suit was to  
obtain the restoration, and prevent interference  
with the occupation, of a certain portion of the  
land called 'Kotha'.

In Appeal, N<sup>o</sup> 114 of 1858, the Acting Senior  
assistant judge at the detached station of  
Rutnagiree in the Zillah of the Konkan, affirmed  
with costs on Dhondo & ca the decree of the Moonsiff  
of Malwan who nonsuited Dhondo & ca

Dissatisfied, Dhondo & ca made Special  
appeal in the Sudr Dewanee Adawlut urging  
that the interpretation quoted by the Acting Senior  
assistant judge does not apply to the case as the  
Plaintiffs

Plaintiffs did not sue the Defendant to enforce the terms of a mortgage bond.

The Court reverse the decree of the Acting Senior Assistant Judge and remand the suit in order to its being decided afresh on its merits and a new decision passed according to Law. Costs to follow the final decision.

### Bill of Costs

In the Sudder Dewanee Adawlut

By Appellant

Stamps for the Copies of Decrees	1	-	0	-	0
----- " ----- Unkalutrama	1	-	0	-	0
----- " ----- Supplementar Memo: of S. appeal	1	-	0	-	0
Batta for process	2	-	0	-	0
1/4 Unkeeli Fee	1	-	0	-	0
Sectioner's Fee	8	-	0	-	0
					<u>Ruppes 1-12-0</u>

By Respondent

Stamp for Unkalutrama	2	-	0	-	0
1/4 Unkeeli Fee	1	-	0	-	0
					<u>Ruppes 2-0-0</u>

H. Robert  
Sudder Judge  
Whitlock Forbes  
Acting Senior Judge



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True Translation

*C. Harrington*

1<sup>st</sup> Assist<sup>t</sup> Registrar

Page 4309.

It is objected to the Ap. of the Dues, that the interpretation quoted is inconsistent with what is said in the Act - did not even the Act to be paid the terms of a mortgage bond

An act of Parliament that this objection is not. The Act is not an Act of a mortgage & mortgage, but between a mortgage & then the claim to be made - to be made the mortgage - the ~~is~~ mortgage, to stand in place of the mortgage & to be the - total, as he is, to being this action in the amount of the amount assessment. He therefore wishes the Ap. of Dues & demand he sent in order to it, <sup>being</sup> should speak as it is, and the same for, set out to law. But the other he

first Division

3 March 1832

Wm. H. ...  
Kentucky ...  
W. H.

5  
No 309 Special Prought

Shond. Ramchandr on this  
Balaji Raghunath

Wf  
Vrojee Shivajee Case as  
Doolkur

Page - 8 - " per margin

Konkim

Vukel McColombie for  
Bellant and Shrijal Mu-  
rod as for Respondent.

Read the Proceedings  
the Lower Courts and the Cer-  
tificate granted by W. Hart  
quire dated 6 July 1860.