

Bombay, Monday 3rd February 1862

In the Sudder



Dewanee Adawlut

N^o 4313 Special

Vittal Moteramshet Marwadee, resident
of Trun, Talooka Saxay (original Plaintiff) } Appellants

§
Luxoomun Nag Mhatra, Vetya Lusc Mhatra,
and Allia Lusc Mhatra residents of Benur
Ghat, Turf Washee (original Defendants) } Respondents

Rupees 300--.--

The claim in the original suit was
to recover a sum of Rupees 300, the value of 1 $\frac{1}{2}$ Khundees
of Bhat due as the accumulated rent for two years
of 12 Beegahs and 2 Fauds of land.

In Appeal, N^o 2 of 1859, the Acting
Sub Collector of Colaba affirmed with all costs
on Vittal Moteram, the decree of the Mamuldar
of Saxay who threw out the claim with costs.

Dissatisfied, Vittal Moteram made
Special Appeal in the Sudder Dewanee Adawlut
urging, that the decree of the Acting Sub Collector
was opposed to law and practice in rejecting his
claim based on an agreement executed to his partners
and which on the dissolution of partnership had fallen
to his share.

The Court reverse the decree of the Acting
Sub Collector and remand the case in order to his
going into the questions involved in the above objection
and

and, with reference to the Courts opinion that Appellants action is maintainable if he can establish that his claim is based on an agreement executed to his partner and which on a dissolution of partnership has fallen to his share. - passing a fresh decision on the merits. Costs of this appeal to follow the final decision. -

Bill of Costs

In the Sudder Dewanee Adawlat

By Appellant

Stamp for the Memo. of Special appeal	20	00	00
" Copies of Decrees	4	00	00
" Vukalutnama	1	00	00
" Security bond	2	00	00

Batta for process 1-8-00

1/4 Vukel's Fee 2-4-00

Ruppes - 30-12-00

By Respondent

Stamp for Vukalutnama 1-00-00

1/4 Vukel's Fee 2-4-00

Ruppes - 3-4-00

W. H. ...
 Partner in ...
 M. ...
 Acting Sudder Judge

