

Bombay, Monday 29<sup>th</sup> July 1861

In the Suder



Dewan Adawlut

N<sup>o</sup> 4338 Special

Govind bin Luximon a minor, his mother  
and guardian, Bheema, deceased, his —  
Second guardian and uncle, Mahadeo Bopojie  
Angrey, Resident of Wadgaon, Torkdee —  
Alibag zillah Tama (original Plaintiff) —

} Appellant

— versus —

Sukharan Raghoshet Henri, resident of  
Alibag (original Defendant) —

} Respondent

Rupies - 33 - 8 - -

The Claim in the original suit was to raise  
an attachment from a half share of certain —  
property.

This Special Appeal is from a —  
decision in Appeal (N<sup>o</sup> 297 of 1859) by the  
Judge of the zillah of the Konkan who reversed  
the decree passed in the original suit by the —  
Munsiff of Alibag, and affirmed the attachment  
on the whole of the Estate with costs on Govind the  
original plaintiff.

Whereat being dissatisfied Govind, by his —  
guardian Bheema now deceased, made Special —  
Appeal

appeal in the Suder Dewane Adawlut on the following grounds.

1<sup>st</sup> That the onus of proving that the debt was incurred for the benefit of the family should have been thrown on the Special Respondent.

2<sup>nd</sup> That the Moonseiff having placed the onus probandi on the Special Respondent, it was not necessary for the petitioner to adduce evidence to shew that the debt was not incurred for the benefit of the family and that the Judge should therefore have remanded the case when he overruled the Moonseiff's decision.

3 That the petitioner, cannot be held liable according to the Custom of the Country for debts contracted by his half-brother.

The Court reverse the decree of the Judge and remand the case in order that a new decree may be passed laying the costs throughout.

### Bill of Costs.

In the Suder Dewane Adawlut

By Appellant	_____	8-15-9
By Respondent	_____	" - 2 - "
		<u>Rupies - 9 - 1 - 9</u>

Outlets fee to be reckoned according to the provisions of act I of 1846.

A. May  
Puisne Judge

H. Ross  
Puisne Judge  
H. Weston  
Actg. Puisne Judge

Ch. 11/2/61

E. 12/2/61



