

In the High Court of Judicature.
Bombay, Saturday, 11th October 1862.

Special Appeal N^o 4348.

Ningupa bin Chenbusupa &
Mundapoor of Suwundute in
the Purusquid Salooka of the
Belgaum Division of the Charwar
District (Original Plaintiff)

Appellant.

V.S.

Humpapa Humpunwar de-
ceased his sons and heirs Wodchi-
nupa and Rewershidapa and
Trubhupa and Shiulingupa and
Gorapadupa and Goorlingupa
(the five last minors by their
Guardian Wodchinupa) (Original
Defendants)

Respondents.

Rs. 7,000 — —

The claim in the original suit was to
recover possession of a house and four shops
alleged to be mortgaged to Humpapa who
refused to restore them.

In Appeal N^o 209 of 1858 the Joint
Judge of the District of Charwar, at Char-
war affirmed with costs on Ningupa the
decree of the Principal Sudder Ameen of
Charwar who threw out the claim.

A Special Appeal was preferred in the
Sudder Court on the grounds that (1) Res-
pondents having admitted that the Appellant
had

had mortgaged the property to him the Joint Judge has departed from Law in throwing out the claim for recovering the property after paying off the Mortgage. That (2) the document No 52 is insufficiently stamped and in case of its being admitted in evidence the Respondent is only entitled to recover the amount the Stamp will carry; and that (3) the Onus probandi has been placed on the wrong party.

The Court reverse the decree of the Joint Judge and remand the case for decision on the merits, the circumstance that the Plaintiff is a pauper not being held to disable him from obtaining a decree. Costs to follow the final decision.

Bill of costs..

In the Sudder Court..

By the Appellant - a pauper..

Stamps for copies of Decrees	10	✓
Do. for Tukulutrama	4	✓
Do. for Supplementary application	4	✓
Batta for process	4	✓
Tukeel's Fee one fourth	40	✓
	<u>Rupies - 62</u>	

By the Respondent.

Stamp for Tukulutrama	4	✓
Tukeel's Fee one fourth	40	✓
	<u>Rupies - 44</u>	



Attest
A. K. ...
H. ...

Sealed

The 11th day of October 1862

~~मम लक्ष्मी सिद्धि दायक चरित~~

~~सिद्धि दायक चरित १०११ चरित १०११ चरित १०११~~

~~सिद्धि दायक चरित
४३४८~~

~~नीलमा घीन उच्यते यथा मम लक्ष्मी चरित १०११ चरित १०११ } अक्षरं~~

~~अक्षरं चरित १०११ चरित १०११ चरित १०११ } सिद्धि दायक चरित~~

~~रूपे
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(अनुसूची)

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True Translation

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