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Bombay, Monday, 21<sup>st</sup> April 1862

In the Sudur



Dewanee Adawlut

N<sup>o</sup> 4351, Special  
Musapa bin Nagapa Koolkurnee,  
resident of Kurnjige in the Ben-  
-Kapoor District of the Sharwar Lilla } Appellant  
(original Plaintiff) —————

~~At~~  
Godvirapa bin Musapa Koolkurnee,  
resident of Kurnjige in the Benkapoor  
District of the Sharwar Lilla (original  
Defendant) ————— } Respondent

Papers - 14 - 2 - 4

The claim in the original suit was to establish appellants' title to an eighth share of certain ancestral property, and to obtain possession thereof.

In Appeal, N<sup>o</sup> 773 of 1858, the Joint Judges of the Lilla of Sharwar amended the decree of the Moonsiff of Haverree awarding the claim with costs, and awarded to Musapa possession of a house; but threw out his claim to a share of the land referring him to a future action to recover this, with reference to an award passed by certain persons to whom the parties submitted their dispute for arbitration, in which award it

was

was determined that Pansapa should not seek to recover his share of the land for the nine years next ensuing.

Dissatisfied, Pansapa made Special Appeal in the Sudur Dewanee Adawlut urging that the Joint Index was in error in considering the award alluded to binding on the parties, since it was not filed in Court in conformity with Regulation VIII of 1827 and therefore had not the force of a decree; and that the Joint Index ought to have decided in this suit the proportion of the ancestral lands to which appellant is entitled, instead of referring him to a future action, should he not receive the same at the expiration of the nine years specified in the award.

The Court reverse the Joint Index's decree and remand the case in order to its being decided how far appellant is entitled to share in the lands in question, and whether or not he is entitled to be put in immediate possession of such share - a new decree being passed according to law. Costs to follow the final decision.

### Bill of Costs

In the Sudur Dewanee Adawlut

By Appellant

Stamps for the copies of decrees ————— 2-0-0

Ditto — 8<sup>rs</sup> Benkahutnawa ————— " - 1-0

Ditto — 8<sup>rs</sup> Supplementary Memo: of d. a. — " - 1-0

Ditto — 8<sup>rs</sup> Security bond ————— 2-0-0

Batta for process ————— " - 4-0

1/4 Benkeel's fee ————— " - 1-8

Pupees - 4-7-8

By Respondent

Stamp for Benkahutnawa ————— 2-0-0

Carried over Rs. - 2-0-0

3 May 1864.

Brought over Papers ————— 2 - - - -

1/4 Centinel's Fee ————— " - 1 - 8 -

Papers — 2 - 1 - 8 -

H. Herbert  
N. Deoab  
Papers  
Papers

A. N. Forbes  
Abraham Forbes  
Acting Justice



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True Translation

Richard P. Kirby

acting Registrar