

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

Special Appeal No. 4353.

Shodoo Wulud Cheda alias Mulumud Hurson
Zoo-gari of Razapoor in the Vijyed-oorg Talooka
of the Putnagiri Division of the Konkan Dis-
trict (original Plaintiff) ————— } Appellant

vs

Ruhiman Wulud Abhranji and Bapoo Wulud
Ruhiman the former deceased his son and heir
Bapoo Zoo-gari of Razapoor in the Vijyed-oorg
Talooka of the Putnagiri Division of the Kon-
kan District (original Defendants) ————— } Respondents

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The claim in the original suit was to cause
the removal of some buildings from and the division
thereafter of a certain Thikaw.

In Appeal No. 2 of 1859 the Acting Senior
Assistant Judge of the Konkan at the detached Station
of Putnagiri reversed the decree of the Moonsiff of
Razapoor and threw out the claim with Costs.

A Special Appeal was preferred in the Sudder
Court on the grounds that (1) the decision in selected
case No. 17 of 1856 does not apply to this case; and
that (2) according to Act 8 of 1859 and Special Ap-
peal No. 688 two claims can be instituted in one
suit.

The Court reverse the decree of the Acting
Senior Assistant Judge and remand the case in order

that

that he may first decide the Plaintiff's claims to division of the land and then if convenient may determine the propriety of ordering the removal of the building referred to in the plaint. Costs to follow the final decision.

Bill of costs.

In the Sudder Court.

By the Appellant.

Stamps for copies of Decrees	1	00	00
Do. for Vakalutnama	2	00	00
Do. for Petition	2	00	00
Do. for Security bond	2	00	00
Batta for process	6	00	00
Vakel's Fee one fourth	6	00	00
Sectioner's Fee	10	00	00
			<u>Ruppes 4-10-6</u>

By the Respondent.

Stamp for Vakalutnama	2	00	00
Vakel's Fee one fourth	6	00	00
			<u>Ruppes 2-6-00</u>



Whitcomb & Co.
Dealers

A. Whitcomb & Co.
Dealers

The 11th day of October 1862

