

In the High Court of Judicature, Bombay.

Wednesday, the 21<sup>st</sup> day of December 1864.

SPECIAL APPEAL No. 4 — OF 1864.

Himmatmul and Humir-  
mul Marwadi, of whom  
Himmatmul deceased, his  
son and heir Humirmul,  
of the Ahmedneger Dis-  
trict ————— (Original Plaintiff)

Appellant,

versus

Shahk Chhant, Wulard  
Shahk Muhammed de-  
ceased, his son and heir  
Shahk Ibrahim, of the  
Ahmedneger Dis-  
trict, ————— (Original Defendant)

Respondent,

Rs. 500 — — —

The claim in the Original Suit was to ~~recover~~ recover on two  
mortgage bonds, in default of payment to  
foreclose.

In Appeal No. 257 of 1863 the Judge  
of the District of Ahmedneger at Ahmedneger reversed.  
the Decree of the P. D. C. of Ahmedneger who had ordered the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the de-  
cision of the District Judge is contrary to law in that he has  
decreed in favour of Defendant as a  
point not raised by him in the Court  
of first instance, that (2) the District Judge has  
misconstrued

= misconstrued the Exhibit N<sup>o</sup> 31 and holding that it proved Shauk Chund had only a life interest in the land & in dispute, that (3) the District Judge was in error in receiving the exhibit N<sup>o</sup> 33 as conclusive evidence of the nature of the grant in question, that (4) granting the land in question was set apart for the purposes mentioned by the <sup>District</sup> Judge it was still competent for Shauk Chund to charge the same beyond his life time, & that (5) the District Judge has erroneously quoted a circular order of Government which is not binding on Courts of Law as a precedent.

The Court confirms the decree of the District Judge.

Costs on Special Appellant.

Attest: Attest  
Attest: Attest

A. Stewart.

MEMORANDUM OF COSTS incurred in Special Appeal No. *A*

of 186*A* against the decision of the *Judge* of the District of *Ahmednagar* and disposed of on the *21<sup>st</sup>* December 186*A* by *confirming the same with costs.*

By THE APPELLANT—

In the District.			
In the <i>P<sup>l</sup> Suder Amins Court</i> .....	<i>59 13</i>		
In the .....	<i>..</i>		
In this Court.			<i>59 13</i>
Stamp for Memorandum of Special Appeal .....	<i>32</i>	<i>" "</i>	
Stamps for copies of Decree and Judgment .....	<i>4</i>	<i>8</i>	
Stamp for Vukeelutnama .....	<i>2</i>	<i>" "</i>	
Batta for Process and Postage .....	<i>1</i>	<i>2</i>	
Sectioner's Fee .....	<i>1</i>	<i>1</i>	<i>3</i>
Vukeel's Fee .....	<i>15</i>	<i>" "</i>	<i>56 13</i>
			Rupees.... <i>115 13</i>

By THE RESPONDENT.

In the District.			
In the <i>P<sup>l</sup> Suder Amins Court (including N.F.)</i> .....	<i>23</i>	<i>" "</i>	
In the <i>Judge's Court (including N.F.)</i> .....	<i>20</i>	<i>" "</i>	
In this Court.			<i>43</i>
Stamp for Vukeelutnama .....	<i>" "</i>	<i>" "</i>	
Vukeel's Fee .....	<i>" "</i>	<i>" "</i>	
			Rupees.... <i>43</i>



*R West*  
Sealer

*R West*  
Registrar

*186A* The *21<sup>st</sup>* day of December 186*A*