

In the High Court of Judicature, Bombay.

Thursday, the 7 day of July 1864.

SPECIAL APPEAL No. 101 OF 1864.

Sunkraji Mahadev Nabus of the  
Rutnagiri Division of the Kon- Appellant,  
-kun District  
(Original Defendant)

versus

Bhaskur Jivaji Rajadiksh of  
the Rutnagiri Division of the Respondent  
Konkun District  
(Original Plaintiff)

Rs. 72. 15. 10.

The claim in the Original Suit was to obtain possession of 1/6  
share of a hutney plot of -

In Appeal No. 68 of 1864 the Senior Assistant  
of the District of the Konkan at the District Station of Rutnagiri  
the Decree of the *hoojat malwan* which had awarded the Plaintiff  
with costs -  
- Plaintiff's claim.

A Special Appeal was preferred in the High Court on the grounds that the  
- decision of the Senior Assistant Judge is contrary  
to law -

1st In that the Sudder Dewanee Adawlut in  
- remanding

remanding the case having ruled that  
~~that~~ the subject matter at issue between  
the parties was not res judicata, the assist-  
ant judge was in error in ruling that it was and  
not providing for appellants lien as mortgagee.

2<sup>nd</sup> In that in the former action alluded to by  
the courts below, Appellants brother having  
been simply nonsuited, the decree therein  
is no bar to appellants' pleading his claim  
as mortgagee in this action.

3<sup>rd</sup> That there has been a substantial error in  
law in the investigation of the case which  
has produced error in the decision of the  
case on its merits in that the courts below  
proceeded to judgment without first record-  
ing the evidence tendered by appellant.

The Court confirms the decree of the  
S. & J. with costs -

H. H. Fisher

Lawrence S. Sappington

Bill

Bill of Costs

By the Appellant

In the District

In the Mooniff's Court	32.9"	
D <sup>o</sup> Senior S <sup>o</sup> Judge's Court	4 9"	37.2"
In this Court		
Stamp for Misno. of Special appeal	8 "	
Stamps for Copies of decree & judgment	3 "	
Stamp for Vukalutuanama	2 "	
Patra for Process and Postage	1.1 "	
Sectioner's Fee	1.13 "	
Vukuel's Fee	2.3 "	18.1 "
		<u>Rspees - 55.3 "</u>

By the Respondent

In the District

In the Mooniff's Court	28.9.5.	
D <sup>o</sup> Senior S <sup>o</sup> Judge's Court	2.7 "	31. " 5.
In this Court		
Stamp for Vukalutuanama	2 "	
Vukuel's Fee	2.3 "	4.3 "
		<u>Rspees - 35.35.</u>



G. M. W.  
Acting Registrar

G. M. W.

Sealer

The 7<sup>th</sup> day of July 1864