

In the High Court of Judicature, Bombay.

Mon day, the 20 day of July 1864

SPECIAL APPEAL No. 1015 of 1864

Saboo bin Dalapa of the Salara District (Original Plaintiff) Appellant

District (Original Plaintiff)

versus

Jeevaroa Kom Adapa of the Salara District (Original Defendant) Respondent

District (Original Defendant)

Rs. 14 - - -

The claim in the Original Suit was to *re-establish a right to redeem and to enforce the restoration of certain lands, alleged to have been mortgaged by the Defendant, on payment of the amount due*

In Appeal No. 9 of 1864 the Judge of the District of Salara *J. J. J. J.* who *was* on a *remand* of the *cause* for *trial* had *decided* for the Plaintiff

A Special Appeal was preferred in the High Court on the grounds that *the decision of the District judge is contrary to law that there has been an error of law in the investigation of*

of the case producing an error in the decision
of the case upon its merits in that.

(a) The nature of the plaint having
furnished sufficient notice to the op-
-posite party to produce the original
mortgage deed, special notice was un-
-necessary.

(b) The admission of the opposite party as
to the mortgage of the land was held
not binding.

(c) The District judge ignored the testimony
of the witnesses Nos. 2, 3, 32 and 34 which
has proved the claim of the appellant.

The Court reversed
the decision of the Court below and remanded
the cause for trial and a new trial
upon the merits. Costs to follow the
decision

R. Couper

A. D. Wainwright

MEMORANDUM OF COSTS incurred in Special Appeal No. 4015-

of 1865 against the decision of the Judge of the District of Satara and disposed of on the 20th February 1865 by remanding the same for retrial -

IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	2 ..		
Stamp for Vukeelutnama	2 ..		
Batta for Process and Postage	1 2 ..		
Sectioner's Fee	" 14 ..		
Vukeel's Fee one-fourth	" 1 8 ..		
			6 18
		Rupees	6 18

BY THE RESPONDENT—

Stamp for Vukeelutnama	2 ..		
Vukeel's Fee one-fourth	" 1 8 ..		
			2 18
		Rupees	2 18



W. D. ...
Sealer

R. N. ...
Registrar

The 20th day of February 1865

...

Issued a certificate on Her
^{Treasury} Majesty's Bank of Bombay for
the refund of Papers (1) one being
the value of Stamp used for Special
Appeal in this case.

Dated the 20th February 1865.

(B)

R West
Registrar

Certificate given to ...

Registrar

The ... of ...