

4th Oct

In the High Court of Judicature, Bombay.

Wednesday day, the 7th day of ~~March~~ 1865.

SPECIAL APPEAL No. 1016 of 1864.

Antaji Chintaman Bhopulkar
of the Rutnagiri division of the
Konkan District

Appellant

(Original Defendant)

versus

Atmaram Shastree deceased by
his son and heir Ramchundra
an absentee by deceased's brother
Vishnoobhutt of the Rutnagiri
Division of the Konkan Dis-
trict

Respondent

(Original Plaintiff)

Rs. 1236-9-2

The claim in the Original Suit was to

obtain possession of $\frac{3}{4}$ the
of a Khator village and cutam within three years
claimed by the plaintiff but withheld by the Dept as a most
gains in violation of an agreement for the satisfaction of his demands

In Appeal No. 496 of 1863 the
of the District of ~~the Konkan~~ at
the Decree of the ~~Chief of Rutnagiri~~ who

Senior Assistant Judge
Rutnagiri awarded
had decreed for the plaintiff
with Khator profits for 6 years and Rs 504 less Rs 199
due under the agreement by a judgment payment by Dept
Antaji of Rs 500 to the heir of Atmaram deceased and of Rs 600 by the
later to his mandas or else that the mortgage should be foreclosed

A Special Appeal was preferred in the High Court on the grounds that the decision of

of the Senior Assistant Judge is contrary to law
in that (a) the son of the opposite party being
an absentee the suit should not have been pro-
ceeded with by one who had no authority ^{that} _{the}

the son of the opposite party being adopted
out of the family it was not competent to him
to bring the suit, much less to allow his name
to be used, if he did so: (c) ^{that} there has been an error
in law inasmuch as the sum due by the opposite
party under exhibit no. 7 has not been awarded
with interest; (d) ^{that} there has been an error in law
in that no finding having been recorded as to
the fulfilment of the conditions in the event
of which the penalty of Rupees 84 annually
would become payable the said penalty—
should not have been awarded: and that (e)
the whole of the Appellants' evidence has not
been received . . .

by
The Court below
The Court below and throw
out the claim with all costs throughout
on the Respondent in Special Appeal
(original Plaintiff)

A Pundich 169. T. S. S.

A. S. M. S.

MEMORANDUM OF COSTS incurred in Special Appeal No. 10/16

of 1864 against the decision of the *Senior* assist^t judge of the District of the Nonkumand disposed of on the 4th October 1865 by reversing the same.

BY THE APPELLANT—

<i>In the District.</i>		
In the <i>Sudder amir's</i> court	103 16	
In the <i>Senior assist^t judge's</i> court	117 60	220 76
<i>In this Court.</i>		
Stamp for Memorandum of Special Appeal	50 00	
Stamps for copies of Decree and Judgment	3 00	
Stamp for Vukeelutnama	2 00	
Batta for Process and Postage	2 80	
Sectioner's Fee	3 60	
Vukeel's Fee	37 16	97 156
		318 70
	Rupees	

BY THE RESPONDENT.

<i>In the District.</i>		
In the <i>Sudder amir's</i> court	102 129	
In the <i>Senior assist^t judge's</i> court	45 106	
<i>In this Court.</i>		
Stamp for Vukeelutnama	2 00	148 73
Vukeel's Fee	37 16	39 16
		187 89
	Rupees	



[Signature]
 Sealer

[Signature]
 Deputy Registrar

4th day of October 1865.