

In the High Court of Judicature, Bombay.

Now day, the 6 day of March 1860.

SPECIAL APPEAL No. 1018 of 1864.

Gunoji bin Sewaji Patil Kundum
of the Satara District

Appellant

(Original Plaintiff)

versus

Ghwarra bin Sudoo a minor his
guardian Jaja Kom Sudoo and
Bhowanee bin Naroo of the Satara
District.

Respondents.

(Original Defendants)

Rs. 30 - - -

The claim in the Original Suit was to

recover possession of certain land formerly standing in the name of the Plaintiff but subsequently transferred to that of the Defendant.

In Appeal No. 228 of 1864 the District Judge of the District of Satara reversed the Decree of the Magistrate of Karanjee who

had decreed for the claim

A Special Appeal was preferred in the High Court on the grounds that a substantial error in law in the investigation of the case have been made which have produced errors in the decision of the case upon its merits that (1) the point at issue is not properly laid. The question for

for the Court's consideration was vizt. Did the Plaintiff prove his right to the land in dispute that (2) the District Judge was in error in holding that an entry in the Collector's book is conclusive proof of a persons right to the land. that (3) the District Judge was in error in presuming that the Revenue authorities adhered to their own rules in entering the Respondent's name to the land without any evidence on the subject that (4) the District Judge's decision is opposed to Section 7 of Regulation 17 of 1827 since the appellants previous possession is held established and he not having renounced his right to the land in any way that (5) the Madras case alluded to by the District Judge in his judgment is in applicable to the present case and that (6) the District Judge should have held the decree No. 13 which was passed between the parties to this suit as binding upon them.

By
The Court where
the decree of the Court below and demand
the cause for retrial wherein the District
Judge will find distinctly on the issue
whether the land in dispute is theirs
or not, and a new decree on the merits
Costs to follow the final decision

R. Cochrane
H. McCotter

A. J. Mair

