

In the High Court of Judicature, Bombay.

22nd day, the 1st day of June 1865.

SPECIAL APPEAL. No 1021 of 1864.

Jeebhau Gowryee Parsi deceased
his sons and heirs Bhitaji and Sorabjee
of the Konkan District
(Original Defendants)

APPELLANT

versus

Dorabjee Balabhai Shet Parsee of
the Konkan District (Original Plaintiff)

RESPONDENT

Rs. 2,740-3-2.

The claim in the Original Suit was to enforce the release of certain property upon payment of the amount for which it had been mortgaged.

In Appeal No. 346 of 1864 the Judge of the District of the Konkan at Varma annulled the Decree of the Magistrate at Kurla who had awarded Rs 156.5.0 to the Plaintiff upon payment of Rs 1456.8.8 by awarding a decree of Rs 1456.8.8 (The Mahat Receipt of Rs 460/11/4 to the Parsi Receipt in Regular Appeal)

A Special Appeal was preferred in the High Court on the grounds that the decision of the District Judge is contrary to Law

1st In that he erred in holding that it was competent

Competent to Brundas Bibi to alienate the property in
dispute under Mohomedan Law.

2nd In that he has wrongly awarded less interest than
appellant is entitled to according to the terms of the
bond.

3rd In that he erred in not awarding appellants the
whole amount for repairs and additions claimed by him.
The mortgage deed clearly giving him right to claim the
former

The Respondent
in the Appeal having agreed to pay
for the land said to have been bought
the decree of the District Judge is amended
by allowing Rs. 100 for it and reducing
the allowance of interest to compound
interest on Rs. 200 at 9 per centum per
annum for six years. Each party
to bear his own costs of the Appeal.

R Couer

J. C. Couer

MEMORANDUM OF COSTS incurred in Special Appeal No. 1021

of 186 *H* against the decision of the *Judge* of the District of *the Honkum* and disposed of on the *22nd June 1865* by *acquiescing the same*.

BY THE APPELLANT—

IN THE DISTRICT.

In the <i>Moonsiff's Court</i>	308	13	3		
In the <i>Judge's Court</i>	76	4	10		
				385	21

IN THIS COURT.

Stamp for Memorandum of Special Appeal	100		
Stamps for copies of Decree and Judgment	3	8	..		
Stamp for Vukalutnama	2		
Stamp of an application to enter the name of the Appellant's heir					
Batta for Process and Postage	3	1	..		
Sectioner's Fee	14	7	4		
Vukeel's Fee	74	12	10	187	13 2

Rupees.... 572 15 3

BY THE RESPONDENT—

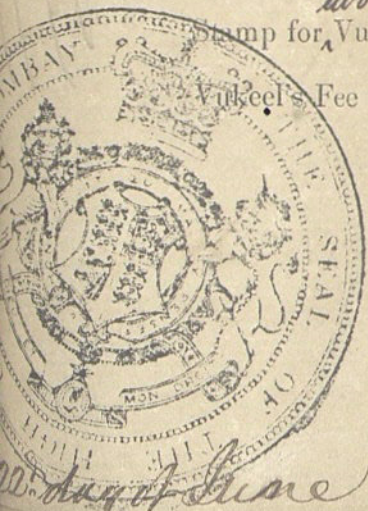
IN THE DISTRICT.

In the <i>Moonsiff's Court</i>	261	4	8		
In the <i>Judge's Court</i>	184	9	7		
				445	14 3

IN THIS COURT.

^{two} Stamp for Vukalutnamas	4		
Vukeel's Fee	74	12	10	78	12 10

Rupees.... 524 11 1



Blair
Sealer

R. West
Registrar

22nd June 1865.