

In the High Court of Judicature, Bombay.

Now day, the 6 day of March 1865

SPECIAL APPEAL No. 1024 of 1864

Savitaji w<sup>o</sup> Gungaji Murkote  
of the Ahmednagar District

Appellant

(Original Defendant.)

versus

Yesso wulud Toolaji and Santoo  
wulud Bapooji and Khundas  
wulud Gungaji Murkote of the  
Ahmednagar District

Respondents

(Original Plaintiffs)

Rs. 32

The claim in the Original Suit was to recover a half share

of a house which the plaintiffs alleged was their property wrongfully occupied by the defendant

In Appeal No. 213 of 1864 the District Judge of Ahmednagar pronounced the Decree of the District Judge who had thrown out the claim and awarded the share claimed by the plaintiffs

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the District Judge has awarded a claim barred by clause 13 section I act XIV of 1859 that (2) the District Judge has admitted in evidence a document which he finds not proved and which is moreover

moreover invalid from want of a stamp that  
(3) the District Judge has decided against  
Respondents own admission in holding that the  
family is undivided that (4) the District Judge  
has laid the onus of proof on the wrong party  
viz: appellant and that (5) the District Judge  
misconstrued appellants answer in holding that  
he therein pleaded that the family had been  
divided for 10 or 12 years generations.

The Court wishes  
the decree of the Court below and  
renew the cause for retrial and  
a new decree upon the merits facts  
to follow the final decision

R. Couch

H. Newton

A. M. A.

MEMORANDUM OF COSTS incurred in Special Appeal No. 1024.

of 186 4. against the decision of the Dist<sup>n</sup> Judge of the District of Ahmednugur and disposed of on the 6<sup>th</sup> March by remanding the for retrial.

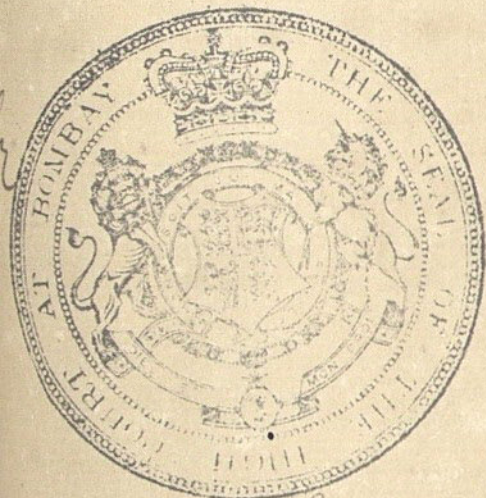
IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment .....	3	"	"		
Stamp for Vukeelutnama .....	2	"	"		
Batta for Process and Postage .....	2	"	"		
Sectioner's Fee .....	1	8	"		
Vukeel's Fee one-fourth .....	"	3	10		
				8	11 10
				Rupees....	8 11 10

BY THE RESPONDENT—

Stamp for Vukeelutnama .....	2	"	"		
Vukeel's Fee one-fourth .....	"	3	10		
				2	3 10
				Rupees....	2 3 10



W. J. S. S.  
Sealer

R. West  
Registrar

The 6<sup>th</sup> day of March 1865.

Issued a certificate on Her Majesty's  
Treasury Bank of Bombay for the refund  
of Rupees two (2), being the value of stamp  
used for special appeal in this case.

Dated the 6<sup>th</sup> March 1865.

*[Signature]*  
Registrar

*ed*

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