

In the High Court of Judicature, Bombay.

Monday, the 20 day of March 1865

SPECIAL APPEAL No. 1026 of 1864

Govind Bhikaji deceased his son and heir Satharam Govind of the Konkan District.

Appellant

(Original Defendant)

versus

Pandoorung Venayak of the Konkan District

Respondent

(Original Plaintiff)

Rs. 5 - - -

The claim in the Original Suit was to obtain a decree declaring ^{Pandoorung's} right to a field which ^(Plaintiff) had purchased at a sale for the recovery of a balance of rent, alleging that Satharam had attached it as belonging to ~~him~~ ^{himself}.

In Appeal No. 53 of 1864 the P.S. Amal of the District of the Konkan at Lameah reversed the Decree of the ^{Magistrate at Kallian} who had thrown out the claim of the Plaintiff.

A Special Appeal was preferred in the High Court on the grounds that (1) a substantial error in law has occurred in ~~the~~ in the investigation of the case which has produced an error in the decision of the case on its merits, in that it having been held by the Sudder Dewanee

Dewanee Adawlut that the attachment placed under exhibit N^o. 33 was legal the lower court should not have held that the attachment was null and void vide special appeal N^o. 3545 that (2) a claim for raising an attachment cannot lie according to law and the Appellant being the person who caused the attachment, the Respondent's claim should not have been awarded. and that (3) the sale under which the Respondent claims was made without placing any attachment and while the property was under the Appellant's attachment therefore the Respondent's right should not have been upheld.

W^h p.s. and The Court confirm the decree of the ~~1st~~ ^{1st} judge with costs on Sp^{ec}l^{al} Appt.

Abinoid Forbes,
App^{ro}ver

MEMORANDUM OF COSTS incurred in Special Appeal No. 1026.

of 1864 against the decision of the Principal S^r Admi^r of the District of the North and disposed of on the 20th March 1865 by Confirming the same with costs

BY THE APPELLANT—

In the District.		
In the Moonceiff's Court	4 65	5 810
In the Principal S ^r Admi ^r Court	1 25	
In this Court.		
Stamp for Memorandum of Special Appeal	1 ..	
Stamps for copies of Decree and Judgment	3 ..	
Stamp for Vukeelutnama	2 ..	
Batta for Process and Postage	1 3 "	
Sectioner's Fee	" 15 "	
Vukeel's Fee	" 25 "	8 45
Rupees		13. 13 3.

BY THE RESPONDENT.

In the District.		
In the Moonceiff's Court	10 15 2	
In the Principal S ^r Admi ^r Court	2 85	
In this Court.		
Stamp for Vukeelutnama	" " "	13. 77.
Vukeel's Fee	" " "	" " "
Rupees		13 77.



W. D. S.
Sealer

R. West
Registrar

20th day of March 1865.