

In the High Court of Judicature, Bombay.

Fri day, the 3rd day of March 1865.

SPECIAL APPEAL No. 1027 of 1864.

Krishna bin Rama of the
Satara District
(Original Plaintiff)

Appellant

versus

Vishwanath bin Rambhant
of the Satara District
(Original Defendant)

Respondent

Rs. 6-11-5

The claim in the Original Suit was for the redemption of
some hereditary Miras land mortgaged
by Plaintiff's father to Defendant.

In Appeal No. 227 of 1864 the Judge
of the District of Satara at Satara reversed
the Decree of the M. P. Muzee who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision
of the District Judge is contrary to law in that
no adverse title can be acquired against a
mirasdar by possession of 20 years that (2)
there has been a substantial error in law in
the

the investigation of the case and which has produced error in the decision of the case on its merits in that (a) The District judge erred in holding that as the appellant left the village he threw out the land and that (b) the District judge was wrong in deciding upon no proof what-
-ever.

The Court reverse the decree of the District Judge, and remands the case in order that the Judge may determine, whether Plaintiff (Pp! Appellant) or his father was ever entitled to the land, and if so entitled, whether his claim is barred by Ref. 5th of 1827 sec 1, or by Act 14 of 1859; and may pass a new decree accordingly. Costs to follow the final decision.

R Couch

L M Wade

MEMORANDUM OF COSTS incurred in Special Appeal No. 1017

of 1864 against the decision of the Judge of the District of Satara and disposed of on the 3rd March 1865 by re-awarding the same for retrial.

IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	2	"	"	✓	
Stamp for Vukeelutnama	2	"	"	✓	
Batta for Process and Postage	1	2	"	✓	
Sectioner's Fee	1	3	"	✓	
Vukeel's Fee one-fourth	"	"	9	✓	6.59
					Rupees ... 6.59

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	"	"	✓	
Vukeel's Fee one-fourth	"	"	9	✓	2.9
					Rupees.... 2.9



W. D. ...
Sealer

Registrar

The 3rd day of March 1865

Issued a certificate on Her Majesty's
Treasury the Bank of Bombay the refund of
Rupee one being the value of Stamp used for
Special appeal in this case.

3rd March 1865

Registrar.

[Signature]

Certificate given to Registrar

Registrar

The 3rd day of March 1865