

In the High Court of Judicature, Bombay.

Monday, the 20<sup>th</sup> day of June - 1864.

SPECIAL APPEAL No. 103 of 1864.

*Vijmoodinwulud Sumsoodin and  
Shaik Ali. Wulud erana Kaskur  
of the Rutnagiri Division of the  
Konkan District* } Appellants,  
(Original Defendants)

versus

*Govind Dinkur Chitule of the  
Rutnagiri Division of the Kon-  
kan District* } Respondent  
(Original Plaintiff)

Rs. 27 - " - "

The claim in the Original Suit was to *recover possession of a  
piece of Wurkus land.*

In Appeal No. 151 of 1863 the *Senior Asst Judge*  
of the District of *Panthe (Guan)* at *Pantua sherry* affirmed  
the Decree of the *Assistant Judge* who *decided for Plaintiff*

A Special Appeal was preferred in the High Court on the grounds that (1) a sub-  
stantial error in law in the investigation of the  
case has been made which has produced error  
in the decision of the case on its merits in that

~~It is~~ a material question at issue is left  
 undecided viz: Is it proved that the appellants  
 have acquired a right of way over the land in  
 dispute by prescription, though there might be no  
 public right of way there <sup>that</sup> (2.) the Senior Assistant  
 Judge having held that the Appellants had made a  
 path through the land for a number of years was in  
 error in ruling that it does not follow that path  
 has become a thoroughfare.

The Court confirm the Decree  
 of the Senior Ass<sup>t</sup> Judge with  
 costs.

Joseph Arnould  
 J.P. by <sup>his</sup> Clerk

### Bill of Costs

By the Appellants

In the District

In the Munsiff's Court (including Fee) —	₹ 9.00	
Do Senior Ass <sup>t</sup> Judge's Court —	3.13.30	5.6.30

In this Court

Stamp for Memo of Appeal app <sup>t</sup> —	2.00	
Stamps for copies of decree & judg <sup>t</sup> —	3.00	
Stamp for Vekhatatnama —	2.00	
Patla for Process and Postage —	1.00	
Sectioner's Fee —	" 15.00	
Vekheali Fee —	" 13.00	9.13.00
		<u>₹ 15.3.30</u>

By

By the Respondent  
 In the District  
 In the Missouri Court \_\_\_\_\_ 7.15 ✓  
 In Senior App<sup>ts</sup> Judge's Court \_\_\_\_\_ 1.5 ✓ 9.4

In this Court  
 Stamp for vidualutname ..... 2 ✓  
 vidualutname Fee ..... 13 ✓  
 Puffed 12 ✓  
 74 ✓



Done

Done  
 Acting Registrar

Sealer

The 20<sup>th</sup> day of June 1864.