

In the High Court of Judicature, Bombay.

Sunday, the 5 day of July 1864.

SPECIAL APPEAL No. 104 — or 1864.

Shivlingappa Warud Gaud
— gauda Oathoor of the Solapur
District — (Original Defendant)

Appellant

versus

Narshih Vittal Gokhale
of the Solapur Dis-
trict — (Original Plaintiff)

Respondent

Rs. 1300 — — —

The claim in the Original Suit was to *compel the Def. to execute a Sale* —

In Appeal No. 102 of 1864 the Judge of the District of Solapur at Solapur on a second confirmed the Decree of the *Shahra of Solapur* 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 con-
trary to Law inasmuch as the sale
was

was incomplete, possession not having been shown to have passed to the purchaser, that (2) the deed of sale has been misconstrued by the District Judge; that (3) the ^{District} Judge's decision is founded upon documents which by Law are not receivable in evidence, namely Exhibits Nos. 5, 31, 32, and 44; and that (4) the ^{District} Judge was wrong in point of Law in requiring the Appellant to prove a negative, namely that he had not received any purchase money, instead of calling upon his opponent to show that he had paid the purchase money mentioned in the deed of sale.

The Court confirms the Decree of the D. J. with costs.

H. P. S. Tucker

As ordered appearing
Bill of Costs

By the Appellant

In the District

In the Suder Amern's Court (including v. fee)	43.00	
D ^o Judge's Court (including v. fee)	138.20	
	<u>181.20</u>	

In this Court

Stamp for memo. of special appeal	50	
Stamps for Copies of decree & judgment	38	
Stamp for Vakilutnama	2	
Batta for Process and Postage	2.10	
Sectioner's Fee	9.6	
Vakeel's Fee	39	
	<u>94.11.6</u>	

Ruppes - 278.13.6

By

By the Respondent

In the District

In the Sudder Ameen's Court _____ 138.9"

In the Judge's Court _____ 94.5.6

232.14.6

In this Court

Stamp for Vithalarama _____ 2 " "

Duties Fee _____ 39. " "

41. " "

273.14.6



C. G. M.

Sealer

The 5th day of July 1864.

C. G. M.
Acting Registrar

मुंघरी ये घीर न्यायाधीसरी घल मेरतांत.

मं० १४ जलतरीये २ मये १९०८ - ७१९८६४

मेरीये घीर मं० १०४ ७१९८६४

७१९८६४ मं० १०४ ७१९८६४

कापीये

७१९८६४ मं० १०४ ७१९८६४

(मुंघरी)

प्रतीये

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(मुंघरी)

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Translated by
Diana E. Haxton
Trans.

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True Translation

[Signature]

2nd Assistant Registrar