

*pona*

In the High Court of Judicature, Bombay.

*Two* day, the *14* day of *March* 1865.

SPECIAL APPEAL No. *1060* — of 1864.

*Pardoba bin Latiba +  
Kadav Kapsee of the Poona  
District* — (Original Defendant)

Appellant

versus

*Gangadhar Mahipat +  
Charay of the Poona Dis.  
trict* — (Original Plaintiff)

Respondent

Rs. *15-0-0*

The claim in the Original Suit was to *cancel the removal of  
a stair-case & placed by the Dept as to cancel  
obstruction to the Plaintiff's ingress and egress by a  
door common to both*

In Appeal No. *90* of 1864 the *J. R. Amin*  
of the District of *Poona* = *was*  
the Decree of the *J. R. Amin* who *had decreed for the  
Dept, by ordering the removal of the obstruction*

A Special Appeal was preferred in the High Court on the grounds that *the decision  
of the Principal Sudder Ameen is  
contrary to law, in that,*

(a) *There has been misconstruction  
of the deeds of sale N<sup>o</sup>. 10 in as  
much*

much as it has been held to re-  
serve a right of way to parties &  
not intended thereby --

(b) Granting that the opposite  
party has the right to pass there  
has been no interference with such  
right, consequently the removal  
of the stair case should not have  
been ordered --

In Court where the  
deem of the Court below and remand  
the cause for the Judge to determine  
whether the Plaintiff was entitled to use  
the passage in which the ladder  
was placed receiving in evidence the  
deem of the Probate of Power No 1025  
and dated the 14 July 1845 if it should  
appear to have been made in a spirit  
between persons under whom the  
appellant and respondent claim  
and to pass a decree on the merits  
costs to follow the final decision

R. Couch

W. H. Tucker

A. J. M. J.

MEMORANDUM OF COSTS incurred in Special Appeal No. 1060

of 1864 against the decision of the J. S. Amin of the District of *Tanna* and disposed of on the 14<sup>th</sup> March 1865 by remanding the same for retrial

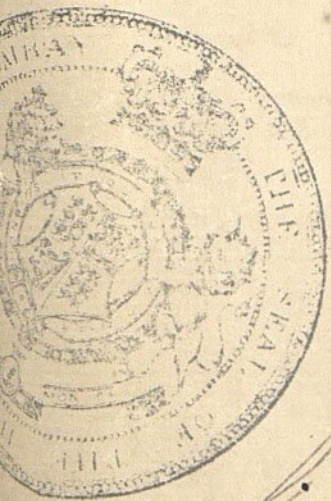
IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment .....	1	8	"		
Stamp for Vukeelutnama .....	2	"	"		
Batta for Process and Postage .....	1	1	"		
Sectioner's Fee .....	"	12	6		
Vukeel's Fee one-fourth .....	"	1	9		
				5	7
				3	
				Rupees	5
					7
					3

BY THE RESPONDENT—

Stamp for Vukeelutnama .....	2	"	"		
Vukeel's Fee one-fourth .....	"	1	9		
				2	1
				9	
				Rupees	2
					1
					9



*A. H. Smith*  
 For Sealer

*West*  
 Registrar

The 14<sup>th</sup> day of March 1865

Issued Certificate on the Treasury  
of the Collector of Poona for the refund  
of Rupee one (1) being the value of  
stamp used for special appeal in  
this case.

16th March 1865

*[Signature]*  
Registrar

Ed  
P.B. 98

Certificate given to Registrar

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