

In the High Court of Judicature, Bombay.

Tues. day, the 24<sup>th</sup> day of July 1865.

SPECIAL APPEAL No. 1062 — OF 1864.

Amaram Ladda Bhan-  
-darker of the Putnagiri  
Division of the Konkan  
District

Appellant

(Original Defendant)

versus

Babay Haray Purreb deceased  
his heirs & his sons Bades & Bhajoo & his wife Ambika  
of the Putnagiri Di-  
-vision of the Konkan  
District (Original Plaintiff)

Respondent

Rs. 4-6-9-

The claim in the Original Suit was to redeem certain mort-  
gaged land.

In Appeal No. 243 of 1864, the Act. Sen. Comm. Judge  
of the District of the Konkan at the det. sct. Putnagiri affirmed  
the Decree of the J. J. P. who had decreed re-  
demption on payment of principal  
only.

A Special Appeal was preferred in the High Court on the grounds that (1) there has  
been an error in law in the invest-  
-igation of the case producing an error  
in

in the decision of the case upon its  
merits in that

(a) The court below has not  
given effect to the stipulations  
contained in the agreement No. 9  
to the effect that the opposite  
party should not redeem the mort-  
gaged Thickets until the whole  
amount due on that document  
should be paid to the appellant.

(b) In awarding redemption  
of the said Thickets in payment  
of only the principal, the court  
below has deprived the Appellant  
of the equitable claims to the pro-  
fits of the same; he being neither  
allowed to retain possession of  
this said Thickets until his debt  
should be paid nor his rights to  
sue for the profits from 1853-60.  
and from 1860 to the date of pay-  
ment being reserved to him.

(c) Owing to the recent deci-  
sions regarding the amount of  
Interest that can be claimed  
from

from the Hinders, the Manusiff. was  
under an erroneous impression as to  
what amount of the profits can be  
awarded to the appellants in this case.

The Court ~~reversed~~ <sup>amend</sup> the decree  
of the Ct. of Asst Judge ~~Seaman~~  
~~it confirms the Juff's decree~~, and  
~~amend~~ the Juff's decree by adding  
to the principal sum of \$56-40  
the rent of the mortgaged premises as  
agreed on, from 1856 until redemp.  
tch. Costs on Appellant.

24/7/66.

R. Bouch  
H. M.

A. Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 1062.

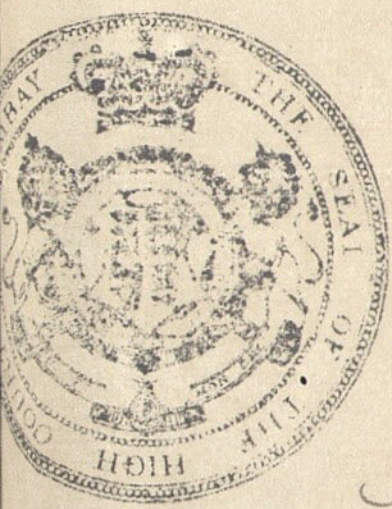
of 1864, against the decision of the *Actg S<sup>r</sup> Asst<sup>g</sup> Judges* of the District of *the Konkun* and disposed of on the *24<sup>th</sup> July 1866.* by *Amending the same.*

BY THE APPELLANT—

<i>In the District.</i>				
In the <i>Moonsiff's Court</i>	<i>1 21</i>	✓		
In the <i>S<sup>r</sup> Asst<sup>g</sup> Judge's Court</i>	<i>2 10 1</i>	✓		
<i>In this Court.</i>			<i>3 12 2</i>	✓
Stamp for Memorandum of Special Appeal	<i>1 4 4</i>	✓		
Stamps for copies of Decree and Judgment	<i>2 8 4</i>	✓		
Stamp for Vukeelutnama	<i>2 —</i>	✓		
Stamp for an application to enter the name of the <i>Respt's heirs</i>	<i>2 —</i>	✓		
Batta for Process and Postage	<i>3 2 —</i>	✓		
Sectioner's Fee	<i>1 1 4</i>	✓		
Vukeel's Fee	<i>4 2 1</i>	✓	<i>14 5 1</i>	
<i>Registration Fee</i>	<i>2 8 —</i>	✓	<i>17 13 1</i>	
Rupees....			<i>18 13</i>	
			<i>15 9 3</i>	✓

BY THE RESPONDENT.

<i>In the District.</i>				
In the <i>Moonsiff's Court</i>	<i>4 2 1</i>	✓		
In the <i>S<sup>r</sup> Asst<sup>g</sup> Judge's Court</i>	<i>4 10 1</i>	✓		
<i>In this Court.</i>			<i>4 12 2</i>	✓
Stamp for 2 Vukeelutnama's	<i>4 4 4</i>	✓		
Vukeel's Fee	<i>4 2 1</i>	✓	<i>4 2 1</i>	
Rupees....			<i>8 14 3</i>	✓



*W. Wheeler*  
Acting Registrar.

*J. M. Campbell*

The *24<sup>th</sup>* day of *July* 1866.  
Sealer.