

In the High Court of Judicature, Bombay.

Monday, the 10 day of April 1865.

SPECIAL APPEAL No. 1068 of 1864.

Bakari widow of Chandji } Appellant  
Sudher of the Satara }  
District (Original Defendant)

versus

Mahadax bin Sadari } Respondent  
Sudher of the Satara }  
District (Original Plaintiff)

Rs. 10-0-0

The claim in the Original Suit was to recover possession of some land alleging that the Mahadax had wrongfully right caused it to be given to the Plaintiff.

In Appeal No. 196 of 1864 the Judge of the District of Satara at Satara pronounced the Decree of the Court who had thrown out the claim.

A Special Appeal was preferred in the High Court on the grounds that there has been a substantial error in law in the investigation of the case and which

which has produced error in the deci-  
sion of the case on its merits in  
that,

a The claim is not properly  
valued.

b The lower courts did not go  
into the question of the appellants'  
title.

The court find that the Special  
Appellant (Defendant) clearly set up a title  
to hold the land as necessary, and the  
District Judge should have decided  
whether she had established that title  
or not. The court therefore reverse the  
decree of the D. Judge and demand the  
suit in order that the above point may  
be decided, & that it may also be considered  
whether the value of the suit has been  
rightly assessed, & that amendment may  
be allowed if necessary. The D. Judge  
to pass a new decree according to acts.

Atmoolah Forbes.

H. Newm.



Issued a certificate on the Treasury of  
the Collector of Satara for the refund  
of Rupee one (1) only being the value  
of stamp used for Special Appeal  
in this case.

Dated the 10<sup>th</sup> April 1865

Registrar

For deposit given to Registrar