

In the High Court of Judicature, Bombay.

Now day, the 27 day of March 1864

SPECIAL APPEAL No. 1071 of 1864

Hary Naroji Redekind of the
Rutnagiri Division of the
Konkan District

Appellant

(Original Plaintiff)

Atma & Bhawoo Sandji & Sato
sindji & Kalloo Kacai & Parvultee
bai Now Hary Krishnaji guardian
of Krishnaji Hary minor of
the Rutnagiri Division
of the Konkan District

Respondent

(Original Defendants)

Rs. 46-3-9

The claim in the Original Suit was to

establish P's title to a

share of family property wrongfully withheld
(as alleged) by the Depts

In Appeal No.

1071 of 1864 the

of the District of the Konkan
the Decree of the M' at Malwan

at
who

Sen & Asst Judge
Rutnagiri proved
had shown for the

plaintiff according to his claim

A Special Appeal was preferred in the High Court on the grounds

that the decision
of the Senior Assistant Judge is against law
that there has been an error in law in the
investigation of the case producing an error
in

in the decision of the case upon its merits in that.

(a) The Court below has held that the release No. 3 containing an admission as to the appellants right as a Co-sharer in the property in dispute was not binding upon the opposite party and could not bring the claim within limitation

(b) The ^{Judicial} Judge has wrongly thrown onus of proving the exact degree of relation between the parties & that he was not a divided member of the family upon the appellant.

The Court requires
the decree of the Court below with
costs

R Couch
H. Weston

MEMORANDUM OF COSTS incurred in Special Appeal No. 1071

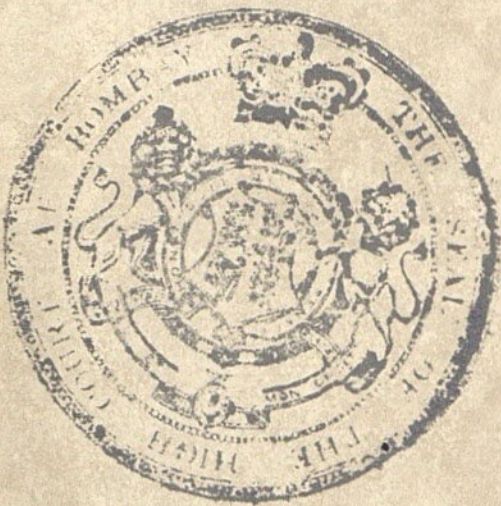
of 186 4. against the decision of the *Sr. Asst. Judge* of the District of *the Konkan* and disposed of on the *27 March 1865* by *confirming the same with costs.*

BY THE APPELLANT—

<i>In the District.</i>		
In the <i>Moonsiff's Court</i> —	19 2 2	
In the <i>Sr. Asst. Judge's Court</i> —	1 14 2	21. " 4
<i>In this Court.</i>		
Stamp for Memorandum of Special Appeal	4 " "	
Stamps for copies of Decree and Judgment	1 8 "	
Stamp for Vukeelutnama	2 " "	
Batta for Process and Postage	2 9 "	
Sectioner's Fee	2 " "	
Vukeel's Fee	1 6 2	13. 7 2
	Rupees	34. 7 6.

BY THE RESPONDENT.

<i>In the District.</i>		
In the <i>Moonsiff's Court</i> —	13 6 8	
In the <i>Sr. Asst. Judge's Court</i> —	7 10 2	21. " 10
<i>In this Court.</i>		
Stamp for Vukeelutnama	2 " "	
Vukeel's Fee	1 6 2	3. 6 2
	Rupees	24. 7 "



West
Registrar
Sealer

The 27th day of March 1865.