

In the High Court of Judicature, Bombay.

Two day, the 13 day of June 1865.

SPECIAL APPEAL No. 1073 of 1864.

Sukharam Massoodew de -
ceased his sons and heirs Gurnesh
and Narayan of the Ahmednagar
District (Original Defendants)

Appellant

versus

Salobai widow of Apaji
Massoodew Deshpande of the
Ahmednagar District
(Original Plaintiff)

Respondent

Rs. 100

The claim in the Original Suit was to recover possession
of a portion of a house owned by the Deft
as the property of an judgment Debtor

In Appeal No. 262 of 1864 the Asst Judge
of the District of Ahmednagar who had thrown out the
claim by awarding possession to the plaintiff

the decision of the city judge

A Special Appeal was preferred in the High Court on the grounds that (1) That it is
contrary to Law: in that the Assistant Judge
has misconstrued appellants' statement No. 53
in holding that they therein admitted that
the members of the family were divided in

in interests. (X) In that ^{acting} the Assistant Judge
has confounded the fact of the members of
a Hindoo family living apart from each
other with actual separation of interests.

(X) In that ^{acting} it was not competent to the
Assistant Judge to find that the family
was separated in interests in the face
of the Decree recorded in the case as

Exhibit C^o 67. (X) In that the Moonsiff
not having raised any issue or recorded
any finding as to who occupied the house
in dispute it was not competent to
the ^{acting} Assistant Judge to find on this
issue in favor of Respondent without
giving appellants an opportunity of
producing evidence, the fact being
that at the time of the execution of
appellants decree their judgment debtor
resided therein.

The Court Confirms
the Decree of the Court below with
Costs

H. Coach

J. W. M.

MEMORANDUM OF COSTS incurred in Special Appeal No. 1073

of 1864 against the decision of the Acting Assistant Judge of the District of Ahmednagar and disposed of on the 13th June 1865 by confirming the same.

BY THE APPELLANT

IN THE DISTRICT

In the Moonsiff's Court	11	6	"	✓
In the Assistant Judge's Court [including V.S.]	3	8	"	✓
			14	14

IN THIS COURT.

Stamp for Memorandum of Special Appeal	8	"	"	✓
Stamps for copies of Decree and Judgment	3	"	"	✓
Stamps for ^{two} Vukalutnamas	4	"	"	✓
Stamp of an application to enter the name of the Appellant's heir				
Batta for Process and Postage	1	3	"	✓
Sectioner's Fee	1	2	6	✓
Vukeel's Fee	3	"	"	✓
			20	5

Rupees.... 35 5 6

BY THE RESPONDENT

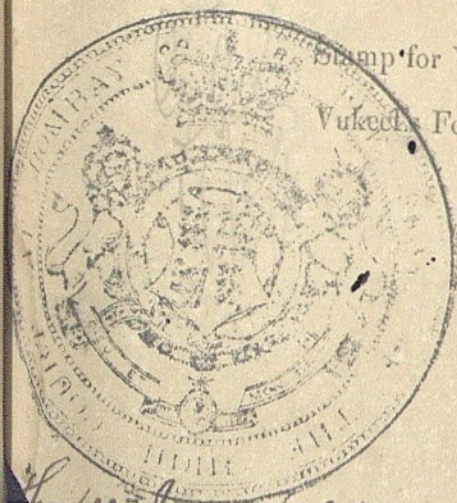
IN THE DISTRICT.

In the Moonsiff's Court	18	11	"	✓
In the Assistant Judge's Court	13	11	"	✓
			32	6

IN THIS COURT.

Stamp for Vukalutnamas	2	"	"	✓
Vukeel's Fee	3	"	"	✓
			5	"

Rupees.... 37 6 "



H. J. ...
Dealer

R. ...
Registrar

the 13 June 1865.