

Poona District

In the High Court of Judicature, Bombay.

Tuesday, the 7 day of March 1864

SPECIAL APPEAL No. 11 of 1864.

Tatya Mulud Gondji Bhore of the Poona District (Original Plaintiff) Appellant

versus

Babaji Mulud Shetkoji Bhore of the Poona District (Original Defendant) Respondent

Rs. 1-11-3

The claim in the Original Suit was to recover 2 acres & 7 Gun. of land situated in the Village of Ansoori which alleged to be held by Plaintiff in an agreement of Shereem Budge of Shulle 1791-

In Appeal No. 11 of 1864 the Acting Judge of the District of Poona at Poona conferred the Decree of the Muzal Khair who had thrown out the Plaintiff's claim.

A Special Appeal was preferred in the High Court on the grounds that (1) that a substantial error in law in the investigation of the case has been made which has produced error in the decision of the case upon its merits

in that the ^{District} Judge has misconstrued the agreement N^o 3 in holding that Shahabee did not ~~transfer~~ her right in the land in question since the agreement contains a provision to the effect that she has given up her right to all the lands in favor of the appellant. (2) that the District Judge has departed from Hindoo Law in upholding the sale of immovable property by a Hindoo widow whose adopted son (the appellant was alive) (3) that the point at issue is not properly laid in as much as it wrongly assumes that Shahabee acquired the land after the adoption (4) that the ^{District} Judge was in error in holding the gift of the land in question to Tooleram valid in as much as it was not accompanied with possession nor was it unconditional (5) that the appellants' family had not legally forfeited their right to the land by the alleged gift and therefore the subsequent relinquishment of all the rights to it by the donee does not affect the merits of the case (6) that the District Judge was in error in holding that the adoption took place in 1781. (7) that the evidence prayed for in the D. M. K. H. S. N^{os} 46 and 47 were improperly rejected.

The

The Court confirm the Decree of the
S^r. Judge with costs on Sp^l. App^t

Admiral Cook.

App^t of Cook.

MEMORANDUM OF COSTS incurred in Special Appeal No. **4-11**

of 186 **4** against the decision of the *Acting Judge* of the District of *Poona* and disposed of on the **7th March 1865** by *confirming the same with costs.*

BY THE APPELLANT—

In the District.			
In the <i>Mosuff's Court (including V.F.)</i>	<i>10. 5. 10</i>		
In the <i>Judge's Court (including V.F.)</i>	<i>2. 2. 1</i>		
<i>In this Court.</i>			<i>12. 7. 11</i>
Stamp for Memorandum of Special Appeal	<i>1 " "</i>		
Stamps for copies of Decree and Judgment	<i>3 " "</i>		
Stamp for Vukeelutnama	<i>2 " "</i>		
<i>Stamp for an application to enter the name of the Respondent here.</i>	<i>2 " "</i>		
Batta for Process and Postage	<i>2. 10 "</i>		
Sectioner's Fee	<i>1. 3. 6</i>		
Vukeel's Fee	<i>" " 10</i>		
			<i>11. 14. 4</i>
		Rupees	<i>24 6. 3</i>

BY THE RESPONDENT.

In the District.			
In the <i>Mosuff's Court</i>	<i>5. 10. 10</i>		
In the <i>Judge's Court</i>	<i>1. " 10</i>		
<i>In this Court.</i>			<i>6. 10. 8</i>
Stamp for Vukeelutnama	<i>2. " "</i>		
Vukeel's Fee	<i>" " 10</i>		
			<i>2. " 10</i>
		Rupees	<i>8. 12. 6.</i>



[Signature]
Sealer

[Signature]
Registrar

The **7th** day of **March 1865**