

In the High Court of Judicature, Bombay  
This day, the 21 day of March 1865  
Special appeal No. 110 of 1864.

Phaskar Sudashiv Alias Surun Thakoor  
Gawhar of the Rutnagiri Division of the  
Konkan District (original Plaintiff) } Appellant

Wari Kas, Thakoor and Balaji Sukharam  
and Ramchandr Narayan and Sudashiv  
Ramchandr and Govind Raghonath and  
Vital Sabaji and Bhano Kal Thakoor and  
Lakshmun Han Thakoor and Govind. Balfooy  
and Shamran Dadaji and Raji alias Raghonath  
Nasooder deceased his sons and heirs Nasooder  
Raghonath and Ramchandr Raghonath and  
Anuput Raghonath and Krishna Raghonath  
and Lakshmun Poudlik and Hauri Krishn  
and Keshav Sudashiv and Govind Jumarthem  
and Vital Ramchandr Thakoor (of the Lakshmun  
Poudlik of Patgaur in the Kolapur territory)  
of the Rutnagiri Division of the Konkan  
District (original Defendants)

Respondents.

Rs. 162-14-6

The claim in the original suit was to  
obtain a division and an assignment  
of a share of family property

In Appeal No. 237 of 1862 the Acting Ad. Judge  
of the District of the Konkan at Rutnagiri reversed  
the Decree of the Munsif Malwan who had decreed  
for the Plaintiff except as to a share of a Man  
Pan.

A Special Appeal was preferred in the  
High Court on the grounds that (1) the decision  
of the Acting Senior Assistant Judge is contrary  
to law, in that the claim is not barred by the  
statute

Statute of limitations, whereas the Lower Court  
has held the contrary. that (2) an acknowledgment  
-ment against interest (Exhibit No. 165) has  
been held to be not binding upon the Defendants  
(Respondents): and that (3) the title of the Appel-  
-lant being held proved, the onus of rebutting  
it lay on the other side.

The Court confirm  
the decree of the Court below with  
costs

R. Couch  
H. Newton.

A. Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 110

of 186 <sup>4</sup> against the decision of the <sup>acty</sup> Senior Appellate Judge of the District of the *Nontam* and disposed of on the 21<sup>st</sup> March 1865 by *Confirming the same with Costs*

BY THE APPELLANT—

IN THE DISTRICT.

|  |    |    |          |
|--|----|----|----------|
| In the <i>Moonseiff's Court</i>                              | 70 | 33 |          |
| In the <sup>acty</sup> <i>Senior Appellate Judge's Court</i> | 33 | 15 |          |
|  |    |    | 104 2 10 |

IN THIS COURT.

|   |    |    |                     |
|---|----|----|---------------------|
| Stamp for Memorandum of Special Appeal  | 16 | "  | "                   |
| Stamps for copies of Decree and Judgment  | 4  | 8  | "                   |
| Stamp for Vukalutnama   | 2  | "  | "                   |
| Stamp of an application to enter the name of the <sup>Representative</sup> Appellant's heir | 2  | "  | "                   |
| Batta for Process and Postage   | 15 | 10 | "                   |
| Sectioner's Fee   | 6  | 14 | "                   |
| Vukeel's Fee  | 4  | 14 | 2                   |
|   |    |    | 57. 14 2.           |
|   |    |    | Rupees.... 156. 1 " |

BY THE RESPONDENTS

IN THE DISTRICT.

|  |    |    |           |
|--|----|----|-----------|
| In the <i>Moonseiff's Court (including 7<sup>th</sup>)</i> | 28 | 19 |           |
| In the <i>Senior Appellate Judge's Court</i>               | 96 | 13 | 6         |
|  |    |    | 124 15 3. |

IN THIS COURT.

|                                       |   |    |                      |
|---------------------------------------|---|----|----------------------|
| Stamp for <sup>two</sup> Vukalutnamas | 4 | "  | "                    |
| Vukeel's Fee                          | 4 | 14 | 2                    |
|                                       |   |    | 8 14 2.              |
|                                       |   |    | Rupees.... 133. 13 5 |



*W. D. Case*  
Sealer

*R. West*  
Registrar

21<sup>st</sup> March 1865.