

In the High Court of Judicature, Bombay.

Fri day, the *1* day of *July* 1864.

SPECIAL APPEAL No. *111* of 1864.

*Narajun Pandooring of the
Konkan District* } Appellant

(Original Plaintiff)

versus.

Bickta Jivunshet Marwade } Respondent
of the Konkan District }

(Original Defendant.)

Rs. *299*-*11*-*11*

The claim in the Original Suit was to *raise an attachment
from a house and a hut*

In Appeal No. *164* of 1863 the *Asst. Judge*
of the District of *the Konkan* at *Sana* reversed
the Decree of the *Magistrate* who *decreed for*
Plaintiff

A Special Appeal was preferred in the High Court on the grounds that (1) the
deed of sale to the Plaintiff being held to be in
due form, and the execution of it as also the
receipt

receipt of the consideration mentioned in it being admitted by the Defendants judgment debtor in exhibit N^o 42 and moreover the Plaintiff being held to have exercised acts of ownership under that deed of sale the ^{Assistant} Judge was wrong in point of law in dismissing the Plaintiffs claim. that (2) the Assistant Judge has disregarded the rule of law which estops a party from averring any thing against his own deed that (3) the Assistant Judge was wrong in point of law in admitting extrinsic evidence to vary the terms of a written contract that (4) the Assistant Judge was wrong in point of law in admitting tertiary evidence of the contents of an alleged missing document. that (5) the attached house ~~was~~ not having been proved to be the property of the Defendants judgment debtor, the Assistant Judge was wrong in point of law in allowing Defendants attachment to stand.

The Court reverse the Decree of the ^{Assistant} District Judge, and ~~do~~ confirm the Decree of the Plaintiff with costs in the Respondent.

7th July 1864.

Joseph Annand
Attorn.

Bill of Costs

By the Appellant
In the District

In the Moonseiff's Court	49. 8. 6	
D ^o Assistant Judge's Court	9. 15. 6	59. 8. "
In this Court		
Stamp for Issues of Special appl ^s	16 " "	
Stamps for Copies of decree & judg ^t	3 8 "	
Stamp for Vukhatumana	2 " "	
Batta for Process and Stamps ^{Pagey}	1. 5 "	
Sectioner's Fee	1. 9. 6	
Vukhels Fee	8 15. 6	33. 6 "
	Ruppes.	92. 14 "

By the Respondent
In the District

In the Moonseiff's Court	44. 5. 6	
D ^o Ass ^t Judge's Court	27. 3. 6	71. 9 "
In this Court		
Stamp for Vukhatumana	2 " "	
Vukhels Fee	8 15. 6	10. 15. 6
	Ruppes	82. 8. 6



I Gune
Sealer

I Gune
acting Registrar

The 1st day of July 1864.