

In the High Court of Judicature, Bombay.

Monday, the 4 day of July — 1864.

SPECIAL APPEAL No. 116 — or 1864

Bhiva and Pilia and Subharay  
his Keshav Uthara of these Sub-  
haray deceased, his son and  
heir Subharay a minor —  
by his executors and guardians  
Bhiva and Pilia his Keshav  
Uthara of the Konkan Dis-  
trict

Appellants,

(Original Defendants)

versus

Gungadhar Babaji —  
Desai of the Konkan  
District — (Original Plaintiff)

Respondent

Rs. 124-12-10-

The claim in the Original Suit was to obtain possession of  
land sold to the Plaintiff.

In Appeal No. 265 of 1861 the Joint Judge  
of the District of Konkan at Sauna reversed  
the Decree of the Juff at Mibag who had thrown out the claim

A Special Appeal was preferred in the High Court on the grounds that (1) the  
decision of the Joint Judges is contrary  
to Law in that the appointment of  
Joint Judges

Judges

Joint in the Bombay Presidency be-  
 -ing by statute, and all the require-  
 -ments of that statute, not having  
 been complied with in the appoint-  
 -ment of the Joint Judge who tried  
 this case, his decision is an absolute  
 nullity, he having acted without  
 Jurisdiction.

The Decree of the Joint Judge  
 Confirmed -

Each party to bear his own  
 Costs in ~~the~~ Special Appeal

4<sup>th</sup> July 1864.

Joseph Arnould  
 H. Clerk.

Bill of Costs

By the Appellants,  
 In the District

In the Moonjeff's Court	11. 3. 11.
Do Joint Judges Court	5. 11. 11.
	16. 15. 10

In this Court

Stamp for memo: of Special app <sup>l</sup>	8. 00
Stamps for Copies of decree & judg <sup>t</sup>	5. 8. 00
Stamp for vakalatnama	2. 00
Batta for Process and Postage	1. 6. 00
Sectioner's Fee	1. 5. 90
Vakils' Fee	3. 11. 11.
	21. 15. 8.

Rspees 38. 15. 6.

Per

By the Respondent  
In the District

In the Moonieff's Court ————— 18 " 11.

In the Justice Judge's Court ————— 15 3 11.      33. 4. 10.

In this Court

Stamp for ~~90000~~ *tukialutnama* ————— 2 "

*tukial's* Fee. ————— 3. 11. 11.      5. 11. 11.

Papers 39. " 9.



*Chymme*  
Acting Registrar

*Chymme*  
Sealer

The 4<sup>th</sup> day of July 1864.