

*Poona Solapur*

**In the High Court of Judicature, Bombay.**

Monday, the ~~eleventh~~ day of *July* 1864.

SPECIAL APPEAL No. 122 of 1864.

*Gunoji walund Balaji Patil*  
*of the Poona District*

Appellant

(Original Defendant)

versus

*Trimbut Gajuram Bhude*  
*of the Poona District.*

Respondent

(Original Plaintiff)

Rs. 10 - 13 - "

The claim in the Original Suit was to *recover possession of*  
*lands under a deed of partnership - &*  
*damages*

In Appeal No. *703* of 1862 the *Acting Judge*  
of the District of *Poona* at *Poona* amended  
the Decree of the *District* who *decreed for Defendant.*

A Special Appeal was preferred in the High Court on the grounds that (1) *the*  
*decision of the District Judge is contrary to*  
*Law in that the District Judge has mis-con-*  
*-strued the document N<sup>o</sup> 31 in holding that*  
*it*

it does not cancel the document sued on and that (2) the onus of proof has been placed on the wrong party viz: appellant.

The Court confirm the Decree of the Acting District Judge, with costs on Special Appellant.

Joseph Ammal  
Att. for Appellant

Bill of costs

By the Appellant

In the District

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| In the Moonaff's Court (including V. Fee) | 5. 6. 7.       |
| Do Judge's Court                          | 2. 9. 5. 8 " " |

In this Court

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| Stamp for Memo. of Special App. l.     | 1 " "                   |
| Stamps for Copies of Decree & Judgment | 3 " "                   |
| Do for two Vekalutramas                | 4 " "                   |
| Costs for Process and Postage          | 1 " "                   |
| Sectioner's Fee                        | 1 " "                   |
| Vekkeeli Fee                           | " 5. 2.                 |
|  | <u>10. 5. 2.</u>        |
|  | <u>Rspees 18. 5. 2.</u> |

By the Respondent  
In the District

In the Munsiff's Court \_\_\_\_\_ 7. 11. 3  
Do Judge's Court \_\_\_\_\_ 7. 9. 9. 15. 5-11

In this Court  
Stamp for Subalutnama \_\_\_\_\_ 2. 11. 1  
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*[Signature]*  
Acting Registrar

*[Signature]*  
Sealer  
The 11<sup>th</sup> day of July 1864.

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Case 123 of 1864  
Official

Succaram bin Gumarthun Oshut - Appellant

v.s.

Munajee Watal Gungajee - Respondent

DP. 300-m

The grounds of objections against the decree appealed against are as follows.

That it is contrary to law.

- 1 In that the Judge has received the "document N. 39 in evidence altho' it is invalid from being insufficiently stamped.
- 2 In that the Assistant Judge has erroneously thrown doubt on Plaintiff's case because the old balance for which the document sued on was executed is not specified.
- 3 In that the Judge has cast discredit on Plaintiff's case because some word was altered in the document sued on without deciding whether the said alteration was made at the time the same was executed or otherwise.

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14/39 of 1861

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Special  
123/1861

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