

In the High Court of Judicature, Bombay.

Monday, the eightth day of July 1864

SPECIAL APPEAL No. 125 of 1864.

Bapooji Amaram, deceased his sons and
heirs Shiram and Sukharam Bapoo and his
grandson Dhondo Satyaji Amurkar of the Ahmed-
nagar District

Appellant

(Original Plaintiffs)

versus

Sayud Mir Hossen Mulud Meheralli
Wafiq, deceased, his brother and heir Mir Ghazi
Mulud Sayud Mir Ali Wafiq and Sayud Hanyad
oolakha Wafiq, deceased his son and heir Jamsahel
Mulud Sayud Hanyadoolakha of the Ahmednagar
District

Respondents

(Original Defendants)

Rs. 738- -- "

The claim in the Original Suit was to recover on a bond

In Appeal No. 135 of 1863 the Judge
of the District of Ahmednagar at Ahmednagar reversed
the Decree of the P. S. Amurkar who awarded to Plaintiffs
part of their claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the District
Judge has erroneously held the bond sued on to
be barred by the statute of limitations. (2) in
that the bond in question having
been

been ratified by Meer Ghasee and Syed Hajatoolah
the ^{plaint} Judge was in error in holding they were
not bound. (3) in that the genuineness of
the bond sued on not being contested by
Respondents they must be taken to
have admitted the same and it was
therefore incompetent to the Judge
to take exception to the same as not
being proved that is contrary to
usage having the force of law. (4) in
that Meer Ghasee having attested the
bond he is under the custom of the
Country bound by it as ^{much as} if he were
the principal grantor. (5) in that
the ^{plaint} Judge has erroneously relieved
the representatives of Syed Hajatoolah
from all responsibility.

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

Joseph Amundson
H. Newton.

A. Warden

Billof Costs
By the Appellant

In the District

In the Principal Sudee Amiens Court ————— *63. 1. 5.*
2^d Judge's Court (including V. Fee) ————— *58. 2. 3.* *121. 3. 8.*

In this Court

Stamp for memo. of Spec^t app^l ————— *32 " "*
Stamps for Copies of decree & judg^t ————— *4. 8 "*
Stamp for Vukhatutnamee ————— *2 " "*
Batta for Procep^t & Postage ————— *2. 9 "*
Sectioners Fee ————— *1. 15. 9*
Vukhele's Fee ————— *22. 2. 3.* *65. 3 "*

Rupees. 186. 6. 8.

By the Respondents

In the District

In the Principal Sudee Amiens Court ————— *26. 2. 1.*
2^d Judge's Court ————— *23. 2. 3.* *49. 4. 4.*

In this Court

Stamps for Vukhatutnamee two ————— *4 " "*
Vukhele's Fee ————— *22. 2. 3.* *26. 2. 3.*

Rupees. 75. 6. 7.



L. G. G. G.
Acting Registrar

L. G. G. G.
Sealer

The 18 day of July 1864.