

In the High Court of Judicature, Bombay.

Thursday, the fourteenth day of July 1864.

SPECIAL APPEAL No. 131 — OF 1864.

Khoorshudbibi Myal Goolam
Alikhan Deshmook of the Non-
-mun District — (Original Defendant.) } Appellant

versus

Ismailkhan and Mumroodhinkhan
and Muhamudkhan & Hoosentkhan
Mookadum of the Nonmun Dis-
-trict — (Original Plaintiffs.) } Respondents

Rs. 62-11-7

The claim in the Original Suit was to obtain possession of a share of dhara and grass land — and to establish a right to share in the ^{profits} management of a Rhotee village

In Appeal No. 430 of 1861 the Acting Judge of the District of the Concan at Tanjore affirmed the Decree of the Munsiff of Tullegarum who decreed in Plaintiffs

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the Acting Judge is opposed to law in that as the Plaintiffs father died in Rubeeabeebee's life time they

they could not according to Mahomedan law in-
 herit from her the ^{acting} judge was therefore in error
 in admitting the claim that (2) according to the
 decision of the late Sudder Adawlut of the 11th September
 1829, the Plaintiffs are not intitled to land paying
 rent to Government as it is unⁱⁿherited that (3) a
 substantial error in law in the investigation of
 the case has been made which has produced error
 in the decision of the case on its merits in that
 a material question at issue is left undecided viz
 was the property in question given by Goolam to
 the Appellant as alleged by her & that (4) the
 deceased Rubeca had forfeited her right to share in
 her husband's estate consequently the Plaintiffs
 have no right to the property in question.

The Court confirm the Decree of
 the Acting Judge with costs in Special
 Appellant

Joseph Arnold
 Atty. Gen. for the Appellant

Bill of Costs

By the Appellant
 In the District

In the Moosiff's Court (including Veekeel's Fee)	_____	} 35-10-1.
In the Judge's Court	_____	
		8-8-1
		<u>44-2-2.</u>

Brought forward Rs. 44-2-2.

Brought over Rupees — 44-2-2.

In this Court

Stamp for Decree of Special Appeal — 4-4-4

— Do — for Copies of decrees & judgment — 10-8-4

— Do — for Vakalutnama — 4-4-4

Patta for Process and Postages — 1-14-4

Sectioner's Fee — 2-15-3

Vakeel's Fee — 1-14-1

25-3-4

Rupees 69-2-8

By the Respondent.

In the District

In the Moonsiff's Court — 16-4-1

In the Judge's Court — 2-14-1

18-14-2

In this Court

Stamp for Vakalutnama — 2-4-4

Vakeel's Fee — 1-14-1

3-14-1

Rupees 22-12-3



Eyume
sealer

Eyume
Acting Registrar

The 14th day of July 1864