

In the High Court of Judicature, Bombay.

Wednesday, the 28th day of September 1864

SPECIAL APPEAL No. 132 of 1864.

Abdool Ruhiman alias Baba M^u
Muhumud Isak Mookadam of
the Putnagiri Division of the
Konkan District (Original Defendant) —

Appellant,

versus

Mohidin Mubid Baba Na
khwa Dingunkar of the Put-
nagiri Division of the Kon-
kan District (Original Plaintiff) —

Respondent,

Rs. 70-0-0

The claim in the Original Suit was to resist an order for ejectment from a house and land.

In Appeal No. 47 of 1860 the Act. Senior Assis^t. Judge of the District of the Konkan at the detached staⁿ. of Putnagiri reversed the Decree of the S. C. M. Putnagiri who had thrown out the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) a substantial error in law in the investigation of the case has been made which has produced error in the decision of the case upon its merits in that the Acting Senior Assistant Judge was

in error in ruling that neither party claims
the land as absolute owner but it belongs to
Government who is not a party to the suit:
that (2) the Acting Senior Assistant Judge
has not laid the point or points for trial
as required by law: that (3) the Acting Senior
Assistant Judge was in error in admitting
against the Appellant the Survey Registers
as conclusive proof of Respondent's title
to the land in dispute: that (4) the onus of
proof is wrongly thrown upon the Appel-
lant who is in possession: that (5) there
is no proof in the case to shew that the
land in question was mortgaged by the
Appellant to the Respondent as held by the
Acting Senior Assistant Judge: that (6) the
Respondent's reply shews that there was
no mortgage but he claims the land as
the proprietor: that (7) the decree No. 49 has
no reference to the land in dispute.

The Court affords confirmations the
Decree of the Acting Senior Assistant
Judge with costs in Special
Appellant.

Just. Amund
H. Newth
H. J. P. S. S.,

MEMORANDUM OF COSTS incurred in Special Appeal No. 132.

of 1864 against the decision of the *Acting Sr. Asst. Judge* of the District of the *Konkan* and disposed of on the 28th Sept. 1864 by confirming the same with costs.

BY THE APPELLANT—

In the District.			
In the <i>Sudder Amceer's Court</i>	11. 8. 7.	✓	
In the <i>Actg. Sr. Asst. Judge's Court</i>	2. 5. 7.	✓	
			13. 14. 2. ✓
In this Court.			
Stamp for Memorandum of Special Appeal	8. " "	✓	
Stamps for copies of Decree and Judgment	2. 8. "	✓	
Stamp for Vukeelutnama	2. " "	✓	
Batta for Process and Postage	" 14. "	✓	
Sectioner's Fee	1. 13. 3.	✓	
Vukeel's Fee	2. 1. 7.	✓	
			17. 4. 10. ✓
			Rupees.... 31. 3. "

BY THE RESPONDENT.

In the District.			
In the <i>Sudder Amceer's Court</i> (included in Decree).....	17. 3. 8.	✓	
In the <i>Actg. Sr. Asst. Judge's Court</i>	10. 11. 7.	✓	
			27. 15. 3. ✓
In this Court.			
Stamp for Vukeelutnama	2. " "	✓	
Vukeel's Fee	2. 1. 7.	✓	
			4. 1. 7. ✓
			Rupees.... 32. " 10. ✓



Handwritten Signature
For Acting Registrar

Handwritten Signature
For Sealer
The 28th day of September 1864