

In the High Court of Judicature, Bombay.

Wednesday, the 14<sup>th</sup> day of September 1864.

SPECIAL APPEAL No. 133 of 1864.

Shantilal Subharam  
of the Ahmednagar  
District — (Original Plaintiff)

Appellant

versus

Govindram Pooresho  
Attornadas of the Ahmed-  
nagar District (Original Defendant)

Respondent

Rs. 2951-1-00

The claim in the Original Suit was to recover on a bond, and an entry in account acknowledged by Defendant.

In Appeal No. 220 of 1863 the Judge of the District of Ahmednagar at Ahmednagar amended the Decree of the Court who had thrown out the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) there has been a substantial error in law in the investigation of the case which has produced error in the decision

decision of the case upon its merits in that

1. The Court below considered that in order to discredit as witness it was necessary to establish his infamy by his own admissions, or by the filing of the warrants of sentence and conviction.
2. The lower Court held that the rate of increase in wheat was not in evidence when the same is expressly provided for in exhibit 3 which has been declared to be entirely genuine.
3. The District Judge in appeal held the applicant entitled to interest on Rupees 219 secured by exhibit N<sup>o</sup> 3, whereas the increase in the wheat secured, by the same instrument, and which amounted to some 1300 Rupees was not allowed.

The Court modifies the Decree of the District Judge in so far as it directs the payment by the original Defendant to the original Plaintiff of the sum of 103-12-0, and confirms the Decree of the Moonsiff -  
Civi in Special Appealant.

Joseph Arnold  
Attlock Forbes

A. S. M. S.

MEMORANDUM OF COSTS incurred in Special Appeal No. 133.

of 1864 against the decision of the Judge of the District of Ahmednagar and disposed of on the 14<sup>th</sup> September 1864 by confirming the same with costs.

BY THE APPELLANT—

<i>In the District.</i>				
In the Moonsiff's Court (including V. Fee)	247	13	6	
In the Judge's Court (including V. Fee)	233	12	4	
				481 9 10
<i>In this Court.</i>				
Stamp for Memorandum of Special Appeal	100	"	"	
Stamps for copies of Decree and Judgment	4	"	"	
Stamp for Vukeelutnamas... two	4	"	"	
Batta for Process and Postage	2	13	"	
Sectioner's Fee	1	10	6	
Vukeel's Fee	79	"	4	
				191 7 10
				Rupees.... 673 1 8

BY THE RESPONDENT.

<i>In the District.</i>				
In the Moonsiff's Court	105	7	"	
In the Judge's Court	80	"	4	
				185 7 4
<i>In this Court.</i>				
Stamp for Vukeelutnama	2	"	"	
Vukeel's Fee	79	"	4	
				81 " 4
				Rupees.... 266 7 8



*M. Das*  
For Sealer.

*M. Das*  
For acting Registrar.

The 14<sup>th</sup> September 1864.