

In the High Court of Judicature, Bombay.

Tues day, the 11th day of ~~September~~ ^{October} 1864

SPECIAL APPEAL No. 139 of 1864.

Lalia, alias Wesh -
- math' ben Dama -
- dheer Dixit Savar -
deceased his wife and his ^{Wife} ~~Wife~~ ^{Rupnabai} ~~Rupnabai~~
- her of the Ahmednagar -
- gur District - (Original Plaintiff)

Appellant

versus

Mahadeo alias Bapooji
Vinayak Dixit Savar -
- her of the Ahmednagar
District - (Original Defendant)

Respondent

Rs. 259 - 9 - 1 -

The claim in the Original Suit was to recover in share of one half
of an annuity assigned by the Dept. to the common
ancestors of the parties.

In Appeal No. 239 of 1863 the Judge
of the District of Ahmednagar at Ahmednagar reversed
the Decree of the ~~Magistrate~~ ^{Judge} who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the
decision of the District Judge is contra-
- ry to Law in that he has misconstrued
- ed the order of the Inam Commis-
- sioner

- sioner in holding that it conferred
- the Wursbaser in dispute on Res-
- pondent's branch of the family to the
- exclusion of appellant, the said order
- deciding nothing more than the period
- during which the said Wursbaser
- would be continued leaving shares
- therein to prosecute their claims be-
- fore the regular courts of law, that
- (2) in granting the Inam Commissioner
- did decide who was to be held entitled
- to the Wursbaser in dispute, the ^{District}
- Judge was in error in holding that
- Courts of law were bound by such de-
- cision the same being beyond the pow-
- ers conferred by law on the said Inam
- Commissioner; that (3) appellant having
- previously been declared entitled to a
- half share in the Wursbaser in dis-
- pute by Courts of competent Jurisdic-
- tion in actions to which the persons
- thro whom Respondent claims were
- parties Vide copies of decrees 4 and 5, the
- lower Court was in error in rejecting
- Plaintiffs' claims: and that (4) the ^{District} Judge
- has misconstrued Documents exhibits
- Nos 10, 12, 13, 14, 15, to 24-25. in holding they
- do not prove Plaintiffs' claim.

The Court reverses the Decree of the Judge &
- conforms that of the Appellant.

Cats on Special Respondent.

Joseph Arnold
Applicant's Counsel,
A. M. S. M.

MEMORANDUM OF COSTS incurred in Special Appeal No. 139

of 1864 against the decision of the Judge of the District of Ahmednagar and disposed of on the 11th Oct^r 1864 by reversing the Decree of the District Judge & confirming that of the Moonseff.

BY THE APPELLANT—

IN THE DISTRICT.

In the Moonseff's Court	25	12	7	✓		
In the Judge's Court	"	"	"	✓		
			25	12	7	✓

IN THIS COURT.

Stamp for Memorandum of Special Appeal	16	"	✓			
Stamps for copies of Decree and Judgment	3	8	✓			
Stamp for Vukalutnama <i>three</i>	6	"	✓			
Stamp of an application to enter the name of the Appellant's heir	2	"	✓			
Batta for Process and Postage	1	7	✓			
Sectioner's Fee	1	26	✓			
Vukeel's Fee	7	12	7			
			37	14	1	✓
Rupees	63	10	8	✓		

BY THE RESPONDENT—

IN THE DISTRICT.

In the Moonseff's Court	9	4	7	✓		
In the Judge's Court	2	7	"	✓		
			36	5	2	✓

IN THIS COURT.

Stamp for Vukalutnama	2	"	✓			
Vukeel's Fee	7	12	7			
			9	12	7	✓
Rupees	46	1	9	✓		



For Seal
For Acting Registrar
 The 11 day of October 1864.