

In the High Court of Judicature, Bombay.

Monday, the 27 day of March 1865

SPECIAL APPEAL No. 141 of 1864.

Amud Khan W^{alid} Mohidin^{Khan} and
Dumukhan W^{alid} Mahamood Khan and
Inayut Khan W^{alid} Masoom Khan Deshmukh
of the Konkan District.
(Original Plaintiffs.)

Appellants

versus

Keshur Trimbuk and Vinayuk and Balaji
Babji Kulkar and Balrishn and Lakshman
and Trimbuk Bepooji Kulkar their managers
Ulukhan and Shaboodinkhan and Amud
Khan and Basumkhan w^{alid} Dumukhan
and Idayut Khan w^{alid} Inoos Khan Deshmukh
of these Keshur Trimbuk deceased his sons and
heirs Ganganath and Goro and Babji Keshur Kulkar
of the Konkan District.
(Original Defendants.)

Respondents

Rs. 113-4-5

The claim in the Original Suit was to

recover possession

of a fourth share of a village, alleged
to have been mortgaged to Dattaji, on pay-
ment of the amount due to the

In Appeal No. 573 of 1862 the
of the District of the Konkan at
the Decree of the

the Judge
Datta confirmed
who had decreed against
the claim

A Special Appeal was preferred in the High Court on the grounds that (1) the
decision of the District Judge is contrary to law
in that the Judge failed to decree against the
Defendants who put in no appearance at all
that (2) there has been a substantial error in law
in

which has produced error in the decision of the case
in the investigation of the case upon its merits
in that the District Judge has pronounced no opinion
as to the genuineness or otherwise of the docu-
-ment No. 8. that (3) the District Judge
proceeded to judgment without first re-
-cording all the evidence cited by appellants
that (4) the District Judge has ignored
evidence with reference to the assignment
of the mortgage to the other Defendants by
the Melhurs alluded to by the Moonsiff &c.
(5) In that the District Judge failed to decide
a material point at issue between the parties
vizt what is appellants share in the property
in dispute, and have Defendants possession
of more than they are entitled to by Law.

of
This Court
Conforms the decree of the District
District Judge with costs

R Coak

H. Clayton

A. D. Warner

MEMORANDUM OF COSTS incurred in Special Appeal No. 141

of 1864 against the decision of the Judge of the District of the Katak and disposed of on the 27th March 1865 by confirming the same with costs.

BY THE APPELLANT ✓

In the District.

In the Moosiffi Court (including V. F. F.)	25	..	4	✓		
In the Judge's Court	20	12	4	✓		
			45	12	8	✓

In this Court.

Stamp for Memorandum of Special Appeal	8	✓		
Stamps for copies of Decree and Judgment	3	✓		
Stamp for Vukeelutnama	8	✓		
Batta for Process and Postage	13	8	..	✓		
Sectioner's Fee	1	1	9	✓		
Vukeel's Fee	3	6	4	✓		
			31	..	1	✓
Rupees			76	12	9	✓

BY THE RESPONDENT ✓

In the District.

In the Moosiffi Court	4	6	4	✓
In the Judge's Court	4	6	4	✓

In this Court.

Stamp for Vukeelutnama	8	✓		
Vukeel's Fee	3	6	4	✓		
			8	12	8	✓
			5	6	4	✓
Rupees			14	3	..	✓

Recd
10/4/65



W. J. ...
Deputy Registrar

R. West
Registrar

The 27th day of March 1865.