

Satara

In the High Court of Judicature, Bombay.

Monday, the 13 day of July 1864

SPECIAL APPEAL No. 151 of 1864.

Mullappa bin Pomuna and Peros bin Decouraya of the Satara District
(Original Plaintiffs) } Appellant

versus

Anna bin Vitto of the Satara District
(Original Defendant) } Respondent

Rs. 200-0-0

The claim in the Original Suit was to *revoke possession of some open ground.*

In Appeal No. *179* of 1864 the *Judge* of the District of *Satara* at *Satara* *reversed* the Decree of the *Magistrate* 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 contrary to usage having the force of law in as much as the Appellants ^{have} shown a prima facie title to the mortgaged property by Exhibit No 6 bond executed by Akhwa to

Appellants and other evidence whereas Anna
bin Vittoji has shown none through Ackowa the
late owner of the property as admitted by Respondent
that (2) the ^{District Judge} Court below after expressing dissa-
tisfaction with the omission on the part of the
Munsiff of Halwa to investigate properly the
case for the purpose of ascertaining who
is the heir of Ackowa whether the Appellants
or Respondent or both and if so what are
their rights has nevertheless not entered into
the enquiry nor remanded the case for
further inquiry to the Court of original juris-
-diction: that (3) the ^{District Judge} Court below ought to have a-
warded to the Appellants the amount actually
paid by them to the mortgagee with interest and
costs consistently with its decision now appealed
against and complained of: that (4) the Res-
-pondent ought to have been required to obtain
a certificate of heirship to the property of the
deceased Ackowa.

The Court was for the
Dece. of D. J. with costs in
Spl. Appellant

J. Weston

Remanded & ordered

Bill

Bill of costs
By the Appellants.
In the District

<i>In the Moonisiffi Court</i>	_____	33. 15 "
<i>D^o Judge's Court (including V. Fee.)</i>	_____	7 " " 40. 15 "
<i>In this Court</i>		
<i>Stamp for Inms. of special appl.</i>	_____	16 " "
<i>Stamps for copies of decree & qd 8th</i>	_____	3 " "
<i>D^o for Vukalutwanaas (two)</i>	_____	4 " "
<i>Datta for Proceps and Postage</i>	_____	1.5 "
<i>Sectioners Fee</i>	_____	1.6.3
<i>Vukel's Fee</i>	_____	6 " " 31. 11. 3
		<u><u>Ruppes 72. 10. 3</u></u>

By the Respondent.

<i>In the District</i>		
<i>In the Moonisiffi Court</i>	_____	14 10 "
<i>D^o Judge's Court</i>	_____	25 9 " 43 3 "
<i>In this Court</i>		
<i>Stamp for Vukalutwana</i>	_____	2 " "
<i>Vukel's Fee</i>	_____	6 " " 8 " "
		<u><u>Ruppes 51. 3 "</u></u>



G. G. G. G.
Acting Registrar

G. G. G.
Sealer

The 13th day of July 1864.