

In the High Court of Judicature, Bombay.

Thurs day, the 8th day of September 1864.

SPECIAL APPEAL No. 153 — OF 1864.

Subunt Daji and Bhaskur
Daji Adhikaree of the Putnagiri
Division of the Konkan District

Appellants

(Original Defendants)

versus

Bapooji Muring Kelkar
of the Putnagiri Division of
the Konkan District

Respondent

(Original Plaintiff)

Rs. 18-12-00

The claim in the Original Suit was to oust 4 members of the Adhikaree family from the Thikans Goman and Paen, plaintiff asserting that they were tenants at will and had refused to pay rent.

In Appeal No. 163 of 1863 the Acting Senior Assistant Judge of the District of the Konkan at the detention station of Putnagiri confirmed the Decree of the Hon. J. K. J. who had found for the Plaintiff.

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 upon its merits in that all the Appellants' evidence is not received. that (2) there is

no evidence in the case to show that the Respondents
sublet the "Thikan" in dispute to Appellants as held
by the Acting Senior Assistant Judge: that (3)
the Acting Senior Assistant Judge having held
that the Appellants redeemed the ~~Thikan~~ ^{the mortgaged land} ~~in~~ ^{in the Khoti village which included the Thikan}
dispute was in error in holding that they (Thi-
kans) did not revert to them on their redeeming
the mortgage: that (4) the Acting Senior Assistant Judge
was in error in holding that the mortgage deed
is of no value whatever in the present case
whereas the Respondent having held the Land
from the mortgagee it can be made use
of against him (Respondent).

The Court confirms the Decree
of the Senior Ass. Judge with
costs in Special Appellants.

Joseph Arnold
Appellate,
S. Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 153.

of 186 4 against the decision of the *Acting Sr. Judge* of the District of *the Honkum* and disposed of on the 8th Sept^r 1864 by *Confirming the same with costs.*

BY THE APPELLANT

In the District.			
In the <i>Moonseiff's Court</i> -	6	13	..
In the <i>Senior Sr. Judge's Court</i>	3	8	..
			10 5 ..
In this Court.			
Stamp for Memorandum of Special Appeal	2	"	"
Stamps for copies of Decree and Judgment	2	8	..
Stamp for Vukeelutnama	2	"	"
Batta for Process and Postage	1	"	"
Sectioner's Fee	1	9	6
Vukeel's Fee	"	9	"
			9 10 6 ..
			Rupees.... 19 15 6 ..

BY THE RESPONDENT.

In the District.			
In the <i>Moonseiff's Court</i>	18	12	..
In the <i>Senior Sr. Judge's Court</i>	1	1	..
			19 13 ..
In this Court.			
Stamp for Vukeelutnama	2	"	"
Vukeel's Fee	"	9	"
			2 9 ..
			Rupees.... 22 6 ..



W. G. G. G.
Sealer

W. G. G. G.
Acting Registrar

The 8th day of September 1864