

In the High Court of Judicature, Bombay.

Mon day, the 14<sup>th</sup> day of November 1864.

SPECIAL APPEAL No. 154 of 1864.

Mdool Rukhman Mubud Mhomed  
Issak Mookadam of the Putnagiri Division  
of the Konkan District  
(Original Plaintiff)

Appellant

versus

Mohidin W. Baba Nakuwa Div-  
gunkur of the Putnagiri Division  
of the Konkan District  
(Original Defendant)

Respondent

Rs. 150 - - -

The claim in the Original Suit was to *establish a right to a portion of a certain Shikhar & to cause the removal of two sheds erected thereon*

In Appeal No. 22 of 1864 the *Acting Senior Judge* of the District of *the Konkan at the Detached Station of Putnagery* reversed the Decree of the *S. J. at Putnagery* who *had decreed 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 of the case upon its merits in that the Acting Senior Assistant Judge was in error in ruling that *neither party* claims

It claims the land as absolute owner but it belongs  
to Government who is not a party to the suit: that (2)  
the Acting Senior Assistant Judge has not laid the  
point or points for trial as required by law: that (3)  
the Acting Senior Assistant Judge was in error in ad-  
-mitting against the Appellant the Survey Registers  
as conclusive proof of Respondent's title to the land  
in dispute: that (4) the onus of proof is wrongly  
thrown upon the Appellant who is in possession:  
that (5) there is no proof in the case to shew that  
the land in question was mortgaged by the Ap-  
-pellant to the Respondent as held by the Acting  
Senior Assistant Judge: that (6) the Respondent's  
reply shew that there was no mortgage but he  
claims the land as the proprietor: that (7) the  
decree N<sup>o</sup> 47 has no reference to the land in  
dispute.

The Court confirms the decree of the Act. Sen.  
Assistant Judge with costs.

Joseph Arnold  
Attorney for the Respondent.

A. W. Mendenhall

MEMORANDUM OF COSTS incurred in Special Appeal No. 154

of 1864 against the decision of the Actg. S<sup>r</sup> J<sup>st</sup> Judge of the District of the Moulam and disposed of on the 14<sup>th</sup> Nov<sup>r</sup> 1864 by Confirming the same with costs

BY THE APPELLANT—

<i>In the District.</i>				
In the S <sup>r</sup> J <sup>st</sup> Court	.....	23 9 "	✓	
In the S <sup>r</sup> J <sup>st</sup> Judge's Court	.....	5 " "	✓	
				28 9 " ✓
<i>In this Court.</i>				
Stamp for Memorandum of Special Appeal	.....	8 " "	✓	
Stamps for copies of Decree and Judgment	.....	3 " "	✓	
Stamp for Vukeelutnama	.....	2 " "	✓	
Batta for Process and Postage	.....	1 " "	✓	
Sectioner's Fee	.....	" 13 "	✓	
Vukeel's Fee	.....	4 8 "	✓	19 5 " ✓
				Rupees.... 47. 14 " ✓

BY THE RESPONDENT.

<i>In the District.</i>				
In the S <sup>r</sup> J <sup>st</sup> Court	.....	15 2 "	✓	
In the S <sup>r</sup> J <sup>st</sup> Judge's Court	.....	14 9 "	✓	
				29 11 " ✓
<i>In this Court.</i>				
Stamp for Vukeelutnama	.....	2 " "	✓	
Vukeel's Fee	.....	4 8 "	✓	6 8 " ✓
				Rupees.... 36. 8 " ✓



*W. J. J. J.*

For Sealer

The 14<sup>th</sup> day of November 1864.

*W. J. J. J.*  
S<sup>r</sup> J<sup>st</sup> Registrar