

In the High Court of Judicature, Bombay.

Now day, the 19 day of Decr 1864

SPECIAL APPEAL No. 16 OF 1864

Shaik Omar Wulud Sooleman of
the Putnagiri Division of the
Kontkun District.

Appellant

(Original Plaintiff)

versus

Shaik Ismale alias Bawa and
Shaik Muhammed alias Sheka
Wulud Abdool Guni and Baslar
Sahib Khot of the Putnagiri
Division of the Kontkun District.

Respondent

(Original Defendants)

Rs. 10

The claim in the Original Suit was to

recover possession
of certain "thikans" of land mortgaged by
the grandfather of the Appellant to the Defendants

In Appeal No. 221 of 1860 the
of the District of the Kontkun at
the Decree of the Mfr. Chyloon who

A Senest Judge
Putnagiri awarded
had decreed redemption
of the thikans as claimed in payment of Rs. 425 (Rupees
425) by ordering redemption of two thikans only on payment
of Rs. 425 (Rupees) with the interest at 35 Rs per annum from the date
of the decree up to the time of payment

A Special Appeal was preferred in the High Court on the grounds that (1) as a result

of a substantial error in law in the investigation
of the case which has produced error in
the

the decision of the case upon its merits in that documents Nos 11, 12, 63, 64, and 65, which are admitted to be genuine by the Respondent show that the Tukshim and the fields which included the fields in dispute were mortgaged to him the Senior Assistant Judge was in error in rejecting a part of the claim and that (2) the Senior Assistant Judge was in error in awarding interest and produce of the fields to the Respondent inasmuch as there is no provision in the deed that he is entitled to both of them

The Court awarded the award of the Acting Sen. Asst. Judge as regards interest by limiting it to interest at Phursee Pt. 35 per annum on the principal sum for the period of six years, amounting to Company's Pt. one hundred and ninety four and four annas. The Plaintiff to be at liberty to redeem on payment of the amount of the principal and interest, being Co's Pt. five hundred and eighty

seven and six annas, within six
months from the date of this decree
with interest at nine per cent. per
annum, and in default of payment
to be foreclosed. Costs of the present
special appeal to be borne by the
plaintiff.

A. H. Lock
R. Couch

MEMORANDUM OF COSTS incurred in Special Appeal No. 15

of 186 *A* against the decision of the *Sr. Asst. Judge* of the District of *the Khandwa* and disposed of on the 19th December 1864 by amending the same.

BY THE APPELLANT—

In the District.

In the <i>Mousiff's Court</i>	11. 9. 10	
In the <i>Sr. Asst. Judge's Court</i>	1. 4. 10	
		12. 14. 8.

In this Court.

Stamp for Memorandum of Special Appeal	1. " "	
Stamps for copies of Decree and Judgment	3. " "	
Stamp for Vukeelutnama ^{two}	4. " "	
Batta for Process and Postage	1. 10. "	
Sectioner's Fee	2. 1. 6.	
Vukeel's Fee	" 4. 10	12. 11. 4
	Rupees....	24 15 "

BY THE RESPONDENT.

In the District.

In the <i>Mousiff's Court</i>	4. 3. 10	
(including <i>Vukeel's Fee</i>)		
In the <i>Sr. Asst. Judge's Court</i>	3. " 10	
		7. 4. 8.

In this Court.

Stamp for Vukeelutnama	2. " "	
Vukeel's Fee	" 4. 10	2. 4. 10
	Rupees....	9. 9. 6.



R. West
Sealer *R. West*
Registrar

The 19th day of December 1864