

In the High Court of Judicature, Bombay.

Friday, the 15 day of July 1864

SPECIAL APPEAL No. 164 OF 1864

Kashinatto Narkhar Nar-
gholekar of the Putnagiri
Division of the Southern
District — (Original Defendant) } Appellant,

versus

Bhaskar Chimmaji and
Ravji Bhitaji of the Put-
nagiri Division of the
Southern District — } Respondents
(Original Plaintiffs)

Rs. 475-0-00

The claim in the Original Suit was to be put in possession
of 1/10 of the Khoate Village karghole

In Appeal No. 195 of 1863 the
of the District of the Deccan at the
the Decree of the Court of Appeal who

he has D. C. J.
detached state of Maharashtra
had awarded the
claim

A Special Appeal was preferred in the High Court on the grounds that (1) a
substantial error in law in the investi-
gation of the case has been made which
has produced error in the decision of the
case

case upon its merits, in that the ^{acting} Senior Assistant Judge was in error in giving preference to the Respondents' mortgage deed which is not accompanied with possession over Appellants' which is accompanied with possession: and that (2) Abaji from whom the Respondents obtained the property in mortgage, was insane and was incompetent to mortgage, the Senior Assistant Judge was in error in upholding the same.

The Court is of the opinion that the Decree of the S. A. J. with costs be set aside in favour of the Appellant.

A. C. S. M.

Law and Equity
Bill of Costs

By the Appellant
In the District

In the Munsiff's Court	16-4-	"
In the Senior Assistant Judge's Court	49-8-9	"
		65-12-9
In this Court		
Stamp for ^{message} Special Appeal	32-	"
Stamps for copies of decrees and judgment	3-	"
Stamp for Vakalatnama	2-	"
Batta for Process and Postage	2-	"
Sectioner's Fee	"	13-11
Vakili's Fee	14-4-	"
		54-1-11

Page 119-14-8

B. M.

By the Respondents
In the District

In the Moonsiff's Court ————— 49-4-"

Do. — Sen^r. Assistant Judge's Court — 14-12-"
64-11-"

In this Court

Stamp for Vukalutnana ————— 2-11-"

Vukil's Fee ————— 14-4-"
16-4-"

Papers 80-4-"



E. G. G. G.
sealer

E. G. G. G.
Acting Registrar

The 15th day of July 1864