

In the High Court of Judicature, Bombay.

Thursday, the 14 day of Aug 1864

SPECIAL APPEAL No. 166 OF 1864.

Vitul Huri evaik of the Konkan District

Appellant,

(Original Defendant)

versus

Vitul Gopal Tukeel of the Konkan District

Respondent,

(Original Plaintiff)

Rs. 25 - " - "

The claim in the Original Suit was to <sup>revoke possession</sup> of a field which Vitul Gopal alleged he had mortgaged for Rs. 25.

In Appeal No. 296 of 1864 the <sup>Judge</sup> of the District of <sup>the Konkan</sup> at <sup>Sawadeh</sup> affirmed with <sup>the</sup> Decree of the <sup>profful Basia</sup> who <sup>had decided for the</sup> Plaintiff

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the District Judge is contrary to law in that <sup>he</sup> the District Judge has erroneously admitted evidence of a privileged communication as evidence

dence in this case: that (2) the <sup>District</sup> Judge has placed the burden of proof on the wrong party viz. - Appellant: and that (3) The <sup>District</sup> Judge has misconstrued the deposition given by Appellant in this case in holding that he admits that the party from whom he derives his title made over the field in dispute to him for 2 years only.

The Court confirm the decree of the Dy. Judge with costs on Sp. Appt.

H. Newton

Enrolled 24th Apr. 1917

Bill of Costs

By the Appellant

In the District

In the Munsiff's Court (including V. Secy) 1-12-"

Do - Judges - Do - 4-6-'' 6-2-''

In this Court

Stamp for memo. of Special appeal - 2-''-''

Stamps for copies of decree & judgment - 3-''-''

Stamp for Tuhala Nama - 2-''-''

Batta for Process and Postage - '' 10-''

Sectioner's Fee - 1-15-''

Wheels Fee - '' 12-''

10-5-''

Papers - 16-7-''

J. P. J.

By the Respondent  
In the District  
In the Mooniff's Court \_\_\_\_\_ 13. 4-u

Do. Judges Do. \_\_\_\_\_ 1-12-u 15-u-u

In this Court

Stamp for Tuhakutuamea \_\_\_\_\_ 2-u-u

Tuhaki's Fee \_\_\_\_\_ " 12-u

2-12-u

Papers 17-12-u



G. G. G. G.  
Sealer

G. G. G. G.  
Acting Registrar

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