

In the High Court of Judicature, Bombay.

Tuesday, the 19 day of July 1864

SPECIAL APPEAL No. 168 of 1864.

Govind bin Razoo Soorva of the
Konkan District

Appellant

(Original Defendant)

versus

Rashinath Shastri deceased, his
sons and heirs Balaji and Dinkur
of the Konkan District

Respondents

(Original Plaintiffs)

Rs. 75 — — —

The claim in the Original Suit was to *enforce delivery of 8 fields with their grass land, held by us which had been sold by Kethoo to the original Plaintiff.*

In Appeal No. *480* of 1864 the *Acting Judge* of the District of *the Koulkan* at *Uman* affirmed the Decree of the *honourable Judge* who *awarded for Plaintiff* *that all excepting Kethoo's costs should be paid by Kethoo.*

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the Acting Judge is contrary to law in that the fields having been sold and conveyed to *the*

the appellant nine months previously to the deed of sale to the opposite party and the former being possessed of the property for four years as owner together with the former title deeds, the subsequent deed of sale to the opposite party has been allowed the precedence (2) the court below has attached a condition to the deed of sale to Appellant which it does not contain and has received oral evidence to vary and contradict the terms of a written document inasmuch as the deed expresses a consideration of Rupees 75 paid in cash whilst the court concludes that the sale was conditional upon Appellant's satisfying a mortgage (3) the lease N^o 24 passed to the Appellant shews that the land was made over unconditionally to the possession of the Appellant; and yet solely on the statement of the tenant the lower court has declared it conditional thus in effect allowing a tenant to deny the title of his landlord.

The court reverse the
decrees of the D. J. with costs.

A. Warden

Lawrence S. P. S. P.

Bill

Bill of Costs

By the Appellant

In the District

In the Moonseiff's Court (including 1/2 Fee) _____ 10.1.6
 Do Judge's Court _____ 14.2.0

In this Court

Stamp for memo. of special app^l _____ 8.0.0
 Stamps for Copies of decree Judge's _____ 2.8.0
 Stamp for Vekhalutwama _____ 2.0.0
 Batta for ~~Stamp~~ and Postage _____ 1.9.0
 Sectioner's Fee _____ 1.6.9
 Vekhal's Fee _____ 2.4.0

17.11.9
Respect 41.15.3

By the Respondents

In the District

In the Moonseiff's Court _____ 13.0.6
 Do Judge's Court _____ 6.8.0

In this Court

Stamp for Vekhalutwama _____ 2.0.0
 Vekhal's Fee _____ 2.4.0

4.4.0
Respect 23.12.6



Gyome
 Dealer

The 19th day of July 1864

Gyome
 Acting Registrar