

In the High Court of Judicature, Bombay.  
Tuesday, the 19<sup>th</sup> day of April 1864.

SPECIAL APPEAL No. 17 - of 1864.

Antaji Vishnoo Jag of the  
Putnagiri Division of the  
Sim District (Original Plaintiff)

Appellant

versus

Gunesb Daji Sanikhan  
of the Putnagiri Divi-  
sion of the Sim District -  
District - (Original Defendant)

Respondent

Rs. 8-11-7-

The claim in the Original Suit was to recover possession  
of certain mortgaged land on payment  
of the mortgage money

In Appeal No. 300 of 1862 the Acting Senior Judge  
of the District of the Sim District at Putnagiri  
the Decree of the Court had awarded for the  
plaintiff a right to redeem on payment of the  
the amount of the mortgage money without  
interest

A Special Appeal was preferred in the High Court on the grounds that (1) there  
has been a substantial error in law in  
the investigation of the case which has  
produced an error in the decision of  
the case upon its merits in that the  
Senior

Senior Assistant Judge has depart-  
-ed from Hindu law in awarding  
interest beyond the principal, that (2)  
the Senior Assistant Judge was in  
error in not entertaining the plea  
-urged by the Appellant that the respon-  
-dent has not paid the Government  
Assessment regularly; and that (3) the  
Senior Assistant Judge has miscon-  
-strued the mortgage bond No. 23 in  
awarding to the Respondent both  
the interest, and the produce of the  
field.

The Court wishes the  
-decree of the Senior Assistant Judge and  
-renew the cause in order that he may  
take an account of principal and  
interest for six years before the filing of  
the suit and on the principal at the  
same rate from that time to the taking  
of the account and that an account  
may be taken of rents and profits from  
the filing of the suit to the time of settling the  
account and the amount deducted  
from what is due for principal and  
interest as above.

Costs to be paid by  
the Respondent. She appears to have set  
a mortgage for Rs 100 when in fact it was  
only for Rs 50. Let the Court below pass  
a decree for redemption on payment of

of the balance within six months  
 from the date of the decree with  
 interest at 9 per cent per annum  
 until payment. The plaintiff  
 unless he pay within the time speci-  
 fied to be foreclosed.

Wm. Loch Forbes.

Bill of costs H. Couch

In this Court

By the Appellant  
 Stamps for Copies of Decree & Judgment — 3 " "  
 Stamp for Vekalutramam — 2 " "  
 Batta for Process and Postage — " 12 "  
 Seditors' fee — " 9 3  
 Vekal's fee one fourth — " 1 " 6.6.3  
 Rupees 6.6.3

By the Respondent  
 Stamp for Vekalutramam — 2 " "  
 Vekal's fee one fourth — " 1 " 2.1 "  
 Rupees 2.1 "



R. West  
 Registrar

R. West  
 Sealer

The 19<sup>th</sup> day of April 1864.

Issued a Certificate on  
 Her Majesty's Treasury Bank of  
 Bombay for the refund of Rs  
 (1) one being the value of the stamp  
 used for the Special appeal in this case  
 19<sup>th</sup> April 1864

R. West  
 Registrar

21/11/11