

In the High Court of Judicature, Bombay.

~~Friday~~ day, the 2 day of Sept<sup>r</sup> 1864.

SPECIAL APPEAL No. 171 OF 1864.

Naro Bhashur and Mahadaji  
Sudashiv Kolhuthur Dasai of  
the Putnagiri Division of the  
Konkan District (Original Defendants)

Appellants,

versus

Comabai hon Babaji Sukharam  
Kolhuthur Dasai of the Putna-  
giri Division of the Konkan  
District — (Original Plaintiff)

Respondent,

Rs. 100 — — —

The claim in the Original Suit was to obtain possession of  
3/4 of a Bigha of land, the Imam of Plaintiff Comabai

In Appeal No. 205 of 1860 the Senior A. Judge  
of the District of ~~the Province~~ at the Detached Station of Putnagiri  
reversed the Decree of the ~~the~~ <sup>Acting</sup> Senior Assistant Judge who had thrown out the claim  
& decreed that the ~~the~~ <sup>the</sup> ~~Defts~~ <sup>Defts</sup> forthwith restore the land to ~~the~~ <sup>the</sup> ~~Imam~~  
bail

A Special Appeal was preferred in the High Court on the grounds that (1) the  
decision of the Acting Senior Assistant Judge  
is contrary to law in that the Court below  
has not properly construed the Imam  
Imam

Sumd N<sup>o</sup> 3 and Exhibit N<sup>o</sup> 115 in dis-  
- regarding the Appellants' plea that  
the Inam is a Service grant: that (2)  
the Court below imputing to Appellants  
an admission not on record as to the land  
having been in the possession of the hus-  
- band of the opposite party at the time of  
his death has allowed the opposite party  
a greater portion of the Inam than she  
is entitled to according to exhibit N<sup>o</sup> 62  
put in by herself: that: (3) the Inam being  
joint family property and not divided  
according to <sup>the</sup> admission of the opposite  
party herself (N<sup>o</sup> 80), she has no claim  
by Hindoo Law to recover from the Appel-  
- lants the land which she seeks to  
recover.

The Court sees the decree  
of the lower Ct. and remand the suit  
in order that the lower Court may decide  
whether the land in question forms part  
of a joint family property in which  
the Plaintiff & the Defendants in this case  
are co. shares, & if so, may apportion  
their respective shares. The burden  
of proof of the above issues to be on

by Depts. (appts) - Depts. (appellants) to  
bear all costs up to this time -

Amos J. Jones.

*W. W. W. W. W.*

MEMORANDUM OF COSTS incurred in Special Appeal No. 171-

of 186 4 against the decision of the *Senoi* ass<sup>ts</sup> judge of the District of *the Nontun* and disposed of on the 2<sup>nd</sup> Sep<sup>r</sup> 1864 by *remanding the same for retrial.*

IN THIS COURT.

BY THE APPELLANT

Stamps for copies of Decree and Judgment .....	2 8 "
<del>Stamp for copies of Decree and Judgment .....</del>	<del>8 "</del>
Stamp for Vukeelutnama .....	2 "
Batta for Process and Postage .....	" 12 "
Sectioner's Fee .....	1 "
Vukeel's Fee one-fourth .....	" 12 "

Rupees ... 7 12 "

BY THE RESPONDENT—

Stamp for Vukeelutnama .....	2 "
Vukeel's Fee one-fourth .....	" 12 "

Rupees.... 2 12 "



*W. D. D.*  
For Acting Registrar

*W. D. D.*  
For deater  
The 2<sup>nd</sup> day of September 1864

I paid a Certificate on Her Majesty's  
Treasury Bank of Bombay for the  
refund of Rupees Eight (8) being the  
value of the Stamp duty in this  
Case

2<sup>nd</sup> September 1864

*[Signature]*  
For Acting Registrar

*[Signature]*

Certificate delivered  
to Registrar