

In the High Court of Judicature, Bombay.

Sic day, the 22 day of *July* 1864.

SPECIAL APPEAL No. 177 OF 1864.

*Keroo Mahadew Patil of the -
Konkan District* } Appellant

(Original Defendant -)

versus

*Lukshmun Nar Patil of the -
Konkan District* } Respondent

(Original Plaintiff -)

Rs. 23-10-0

The claim in the Original Suit was to *obtain possession of*
1/2 of 5 Hells -

In Appeal No. *504* of 1864 the *acting Judge*
of the District of *the Konkan* at *Sambh* conferred with
the Decree of the *Magistrate at Alibaug* who *had decreed in favor*
of Plaintiff -

A Special Appeal was preferred in the High Court on the grounds that *there has*
been a substantial error in law in the investigation
of the case which has produced an error in the de-
cision of the case on its merits in that:

The Appellate Court having decided that the family was divided in interests, it was not competent for it to award the claim, on the ground that the land formed a portion of the joint ^{property} party.

2 The Appellant, i.e. the Special Appellant being the party in possession, the onus probandi should not have been thrown upon him.

3 The onus of proving the following points should have been thrown on the Respondent "Whether the fields in dispute had been divided or not
"If so, whether these very fields had been allotted to the special Respondent".

The Court confirms the decree of the D.J. with costs as per app't

H. 14. P. 14

Memorandum Regarding Bill of Costs

By the Appellant

In the District

In the Mooneff's Court (including Fee) — 1.3.4

D^o Judge's Court ————— 4.9.4

5.12.8

In this Court

Stamp for memo: of special app't — 2.00

Stamps for Copies of decree & judgment — 1.80

Stamp for actual amount — 2.00

Patrol for Process and Postage — 1.20

Sectioner's Fee ————— " 13.9

Dekeel's Fee ————— " 11.4

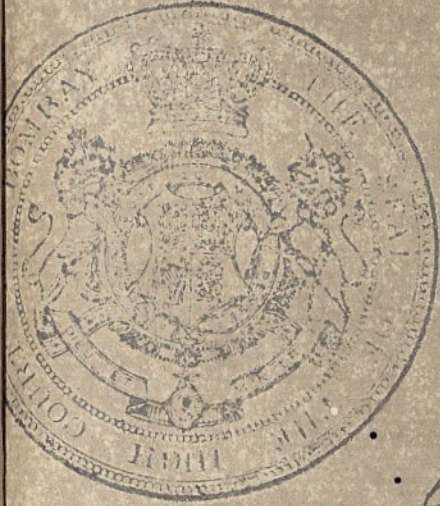
8.3.1

Sum 13.15.9

13.15.9

By the Respondent
In the District

In the Moonsiff's Court	_____	5.5.4
D ^o Judge's Court	_____	1.11.4 7 " 8
In this Court	_____	
Stamp for Vithalutwama	_____	2 " "
Vithal's Fee	_____	" 11.4 2.11.4
		<u>Rspees. 9.12.11</u>



G. G. G.
Acting Registrar

G. G. G.
Sealer

The 22nd day of July 1864.