

In the High Court of Judicature, Bombay.

On day, the 25<sup>th</sup> day of July 1864.

SPECIAL APPEAL No. 186 of 1864.

Mhatarji Wulud Gungaji  
and Ranji Wulud Jankoji of the  
Ahmednugur District  
(Original Plaintiffs)

Appellants

versus

Bugaji Wulud Chimaji,  
deceased his daughter Thakos Horn  
Dopos and Shirsam Wulud Sugaji and  
Parados Wulud Kurnimanta and Puttaji  
Wulud Khundoji and Khundos Wulud  
Sugaji of the Ahmednugur District  
(Original Defendants)

Respondents

Rs. 800—

The claim in the Original Suit was to recover possession  
of a house & certain fields in virtue  
of a mortgage by the Deft. having  
failed to redeem the property in question.

In Appeal No. 286 of 1863 the Judge  
of the District of Ahmednugur at Ahmednugur confirmed  
the Decree of the P.S. of Ahmednugur who had rejected the  
Plffs claim with costs.

A Special Appeal was preferred in the High Court on the grounds that 1<sup>st</sup> Because  
the evidence as to the passing of the Receipt has not  
been taken by the Trial Court. 2<sup>nd</sup> Because  
the Court below has drawn illegal presumptions

in passing judgment and raised immaterial issues. (3<sup>d</sup>) Because Shivram and other Defendants have not shown that they occupy the mortgage land as owners or under any other title (4<sup>th</sup>) Because the Court below misapprehended the nature and effect of exhibits, 30, 36, 38, and 48 and the evidence relative to the payment to the deceased for the bond. (5<sup>th</sup>) Because Defendant Thakos is neither an heir to the deceased nor has she produced a certificate of heirship and she has not shown any title to the property in dispute or to manage it.

The Court confirm the decree of the District Judge with costs.

H. P. Fisher

A. M. Mason

Bill of Costs

By the appellants

In the District

In the Principal Sudder Amiri Court	72.1 "	}
(including v. fee)		
In the Judge's Court (including v. fee)	62.8 "	
		134.9 "

In this Court

Stamp for immo: of Special app <sup>l</sup>	32. "
Stamps for copies of decree & judg <sup>t</sup>	4. "
Stamp for Vakalatnama	2. "
Bill for Procep & Postage	5.14.9
Sectioner's Fee	1.14.9
Vakils Fee	24. "
	69.12.9.

Receipt 204.5.9.

By

By the Respondent  
in the District

In the Principal Sudder Amins Court ————— 36.8 "  
2<sup>d</sup> Judges Court ————— 25 " " 61.8 "

In this Court —

Stamp for Vukalutu auaa ————— 2 " "  
Vukel's fee ————— 24 " " 26 " "

Rupees. 87.8 "



Gyane  
Acting Registrar

Gyane  
Sealer

The 25<sup>th</sup> day of July 1864.