

In the High Court of Judicature, Bombay.

Friday, the 22<sup>nd</sup> day of July 1864

SPECIAL APPEAL No. 192 of 1864

Kazi Muhamud Koordin wuled  
Kuwazisalli of the Ahmednugur  
District

Appellant

(Original Plaintiff)

versus

Azimoodin wuled Lootfoodin  
of the Ahmednugur District

Respondent

(Original Defendant)

Rs. 1500-00-00

The claim in the Original Suit was to obtain an order to restrain Defendant from obstructing the payment of an annuity from the Collector's Office

In Appeal No. 291 of 1863 the Judge of the District of Ahmednugur at Ahmednugur reversed the Decree of the P. S. Ameen who decreed for Plaintiff

A Special Appeal was preferred in the High Court on the grounds that (1) a substantial error in law in the investigation of the case has been made which has produced error in

in the decision of the case upon its merits, in  
that the District Judge has misconstrued  
the documents Nos 8, 9, 10, 12, 43, 44, in hold-  
ing that there is no evidence to show that the  
allowance in question is a grant for the service  
of the barge whereas they distinctly show to  
that effect that (2) the District Judge having  
held in one part of his judgment that the  
Government Resolution of 1826 directed that  
the allowance to be restored to the office of  
the barge, and the late incumbent did re-  
ceive it during his life was in error in  
holding that there is no evidence to show that  
it was due to the office of barge. that (3) the Dis-  
trict Judge was in error in holding that the  
appellant not having brought this suit  
within twelve years from the date of the cause  
of action the claim is barred by the law of limita-  
tion whereas the action being to establish  
his right and obtain a declaratory decree  
for the allowance in question attached to the  
office of a barge the claim is not so barred  
(see section I of Regulation V of 1827)

The Court confirm the Decree of the  
District Judge with costs on Special  
Appellant.

Joseph Arnould.

H. Newman.

A. Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 192

of 186 4 against the decision of the Judge ----- of the District of Ahmednagar and disposed of on the 22<sup>nd</sup> July 1864 by confirming the same with costs.

BY THE APPELLANT—

In the District.

In the Principal Sud Amicus Court.....	108.14	✓
In the Judge's Court including Vakeel's fee.....	46. " "	✓
		154.14 ✓

In this Court.

Stamp for Memorandum of Special Appeal .....	50. " "	✓
Stamps for copies of Decree and Judgment .....	3. 8. "	✓
Stamp for Vukeelutnama .....	2. " "	✓
Batta for Process and Postage .....	2. 7. "	✓
Sectioner's Fee .....	1. 10 9.	✓
Vukeel's Fee .....	45. " "	✓
		104. 9. 9. ✓
Rupees.....	259. 8. 4. ✓	

BY THE RESPONDENT.

In the District.

In the Principal Sud Amicus Court.....	57. 1. "	✓
In the Judge's Court .....	99. 8. "	✓
		156. 9. " ✓

In this Court.

Stamp for Vukeelutnama .....	2. " "	✓
Vukeel's Fee .....	45. " "	✓
		47. " " ✓
Rupees.....	203. 9. " ✓	



*[Signature]*  
Acting Registrar

*[Signature]*  
Sealer  
The 22<sup>nd</sup> day of July 1864