

In the High Court of Judicature, Bombay.

Now day, the 28 day of March 1864.

SPECIAL APPEAL No. 20 of 1864.

Sadashiva Buchaji Mule of
the Rutnagiri Division of the
Konkan District
Appellant,

(Original Defendant)

versus

Balaji Moreswar Mule of the
Rutnagiri Division of the Kon-
kan District
Respondent

(Original Plaintiff)

Rs. 161, 14, 7

The claim in the Original Suit was to recover a third share in certain lands attached to the Khotalship of Newsar and for mesne profits.

In Appeal No. 46 of 1863 the A.S. Judge of the District of the Konkan at Rutnagiri amended the Decree of the Ami at Rutnagiri who had decreed for the share claimed by the Plaintiff and the mesne profits by awarding only Rs 20 with Rs 5 interest on the latter head.

A Special Appeal was preferred in the High Court on the grounds that there has been a substantial error in law in the procedure of the case and which has produced error in the decision of the case on its merits in that:

a The Appellant having held possession as proprietor

proprietor of the disputed Village for 30 years and upwards, the Respondent was barred from instituting this suit.

B. The suit cannot be valued at the yearly assessment, the Respondent having claimed to recover a share in a Khotee Village.

C. The Courts below received secondary evidence of the contents of the deed of partition, the same being inadmissible.

D. The Respondent is ^{not} entitled to a share in the Village which had been given to him after it had become Khalsa.

The Court confirms the decree of the Court below with costs

A. M. S. C. F. O. B. S.

R. Coack

Bill of Costs

By the Appellant
In the District

In the Sudder Ameen's Court (including V. Fee) — 15.9.10

Do Senior Assistant Judge's Court — 29.15.9

In this Court

Stamp for memo. of special appeal — 16 " "

Stamps for Copies of decree & judgment — 4 " "

Stamp for Vukalutuanama — 2 " "

Batta for Process and Postage — " 8 "

Sectioner's Fee — 2.9 "

Wickel's Fee — 4 14 "

29.15.7

Ruppes — 75.8.8.

By the Respondent
In the District

In the Sudder Ameen's Court _____ 41. 7. 10

In the Senior Assistant Judges Court _____ 9. 15. 9. 51. 7. 7

In this Court

Stamps for Vukalutance _____ 2 " "

Vukalut. Fee, _____ 4. 14. 1 6. 14. 4

Pupees — 58. 5. 8.



R. Mest
Registrar

R. Mest
Sealer

The 28th day of March 1864