

In the High Court of Judicature, Bombay.

Thurs day, the 28th day of July 1864.

SPECIAL APPEAL No. 214— of 1864.

Aljiba Walud Muhammed
Tanusur of the Putnagiri Division
of the Ponkum District (Original Plaintiff)

Appellant

versus

Muhammed alias Benda...
Walud Abdoolji alias Kalid
Tanusur of the Putnagiri
Division of the Ponkum District
(Original Defendant)

Respondent

Rs. 26—

The claim in the Original Suit was to compel Muhammed to vacate a small plot of ground, Alji's watan property, lent by him to Muhammed to draw up his fishing boat and which Muhammed now refused to vacate.

In Appeal No. 1— of 1861— the Senior Asst. Jdg. of the District of the Ponkum at Putnagiri reversed with costs the Decree of the Mff of Rajapoor who had decreed for Plaintiff—

A Special Appeal was preferred in the High Court on the grounds that the decision of the Senior Assistant Judge is contrary to law in that the former suit having been thrown out (vide No. 9 and 10) on the ground of improper

in proper valuation of the Plaintiff, the
Appellant was at liberty to file a fresh
suit with a proper valuation, notwith-
standing the casual expression of an
opinion by the Mesuiff in the former
judgment that the proprietary right
to the land appeared to him rested
in neither of the parties to the suit.

The Court reverse the decree of the
Senior Assize Judge and remand the
case for retrial on merits. Costs
to abide the final event,

Joseph Arnould
Law and Equity Reporting

MEMORANDUM OF COSTS incurred in Special Appeal No. 214

of 186 4 against the decision of the *Senior Judge* of the District of *the Konkani at* *Aulapur* and disposed of on the 28th July 1864 by *remanding the same for retrial*

IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	3	"	"	✓
Stamp for Vukeelutnama	2	"	"	✓
Batta for Process and Postage	1	"	"	✓
Sectioner's Fee	"	15	9	✓
Vukeel's Fee one-fourth	"	3	1	✓
			7 2 10	✓
			Rupees ... 7 2 10	✓

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	"	"	✓
Vukeel's Fee one-fourth	"	3	1	✓
			2 3 1	✓
			Rupees ... 2 3 1	✓

G. M. ...
Acting Registrar

G. M. ...
Sealer

The 28th day of July 1864.

I issued a certificate on Her Majesty's Treasury
Bank of Bombay the ^{refund} sum of Rupees two (2) -
being the value of the stamp used for Special
Appeal in this case.

28th July 1864

C. G. M.
Acting Registrar

Ed
M

Acting Registrar

28th July 1864