

In the High Court of Judicature, Bombay.

Thursday day, the 28 day of July 1864.

SPECIAL APPEAL No. 215 of 1864.

Kooka Mulud Janua of
the Khandesh District } Appellant,
(Original Defendant)

versus

Soop dor Mulud Aochit
of the Khandesh District } Respondent,
(Original Plaintiff)

Rs. 150 - - -

The claim in the Original Suit was to recover possession of two sheds from Kooka which the Plaintiff stated were part of the premises purchased by him for Rs. 400 from certain parties and which two sheds Kooka refused to vacate although he had promised to do so.

In Appeal No. 124 - of 1863 - the Judge _____ of the District of Khandesh - at Dhooli reversed with costs the Decree of the Mff of Yavul - who had decreed in favor of the Defendant Kooka

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the District Judge is contrary to Law, in that the present being an action of ^{specific performance} ~~injunction~~ from real property the District Judge erred in not requiring proof of a clear and indisputable title from Respondent who

who was Plaintiff in original action: that
(2) the District Judge erred in awarding
in Respondent's favor owing to the alleged
weakness of Appellant's title, it being a rule
of Law that a Plaintiff must succeed on
the strength of his own title, and not by the
weakness of his adversary's: that (3) the
District Judge erred in placing the
burden of proof on Appellant.

We Court confirm the decree of
the District Judge with costs on Special
Appellant.

Joseph Arnold

Lawrence S. Soper

MEMORANDUM OF COSTS incurred in Special Appeal No. 215-

of 1864 against the decision of the Judge: - - - of the District of Khandesh, and disposed of on the 28th July 1864 by Confirming the same with Costs.

BY THE APPELLANT—

In the District.				
In the Moonjeff's Court	.....	10	4	"
In the Judge's Court	.....	5	"	"
In this Court.				15 4 "
Stamp for Memorandum of Special Appeal	.....	8	"	"
Stamps for copies of Decree and Judgment	.....	4	"	"
Stamp for Vukeelutnamas two	.....	4	"	"
Batta for Process and Postage	.....	1	4	"
Sectioner's Fee	.....	"	12	2
Vukeel's Fee	.....	4	8	"
			22	8 2
			Rupees	37. 12 2

BY THE RESPONDENT.

In the District.				
In the Moonjeff's Court	.....	24	10	"
In the Judge's Court	.....	14	14	5
In this Court.				39 8 5
Stamp for Vukeelutnama	.....	2	"	"
Vukeel's Fee	.....	4	8	"
			6	8 "
			Rupees	46 " 5



Elyme
Acting Registrar

Elyme

Sealer
The 28th day of July 1864