

Poonah Solapur

In the High Court of Judicature, Bombay.

Monday, the 8th day of August 1864.

SPECIAL APPEAL No. 216 of 1864.

Balauntrao Mhaji Borkar
and Shidheshwar Khivrao
Gumpale of the Poonah District
Plaintiffs
(Original Defendants) Appellants

versus

Shunderao bin Gopalrao
Jati Gaitkwar, a minor by
his guardian his mother
Gangabai Ram Gopalrao
Jati of the Poonah District
Respondent
(Original Plaintiff)

Rs. 77-9-9

The claim in the Original Suit was to recover possession of certain land.

In Appeal No. 94 of 1862 the Act. Judge of the District of Poonah at Poonah reversed the Decree of the Juff of Khed who had awarded the claim, and threw it out with costs.

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 the decision of

of the case upon its merits in that
the onus of proof is thrown on the
wrong party; that (2) the Acting Judge
was in error in not applying the principle
laid down in Special Appeals No. 4338
and No. 2867 of 1882 to this case; and that (3)
it was competent for Gungabai to dispose
of the property in the way she has done.

The Court confirms
the decree of the Acting Dist.
Judge with costs on the
Special Appellant.

H. P. Tucker,
Judge of the Court.

MEMORANDUM OF COSTS incurred in Special Appeal No. 216

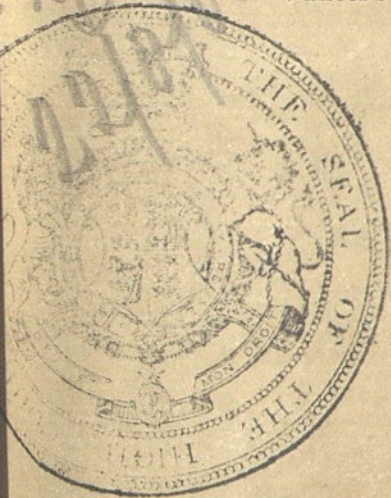
of 186 4 against the decision of the *Acting Judge* of the District of *Poona* and disposed of on the 8th of August 1864. by *confirming the same with Costs*

BY THE APPELLANT

In the District.								
In the <i>Moonsiff's Court</i>	.....	19	5	9	✓		
In the <i>Judge's Court</i>	.....	3	13	2	✓		
In this Court.								
Stamp for Memorandum of Special Appeal	.....	8	"	"	✓		
Stamps for copies of Decree and Judgment	.....	3	"	"	✓		
Stamps for ^{two} Vukeelutnama's	.....	4	"	"	✓		
Batta for Process and Postage	.....	1	2	"	✓		
Sectioner's Fee	.....	1	1	6	✓		
Vukeel's Fee	.....	2	5	2	✓		
				19	8	8	✓	
				Rupees....	42	11	7	✓

BY THE RESPONDENT.

In the District.								
In the <i>Moonsiff's Court</i> (including <i>vakils' fee</i>)	.....	7	1	2	✓		
In the <i>Judge's Court</i>	.....	14	1	5	✓		
In this Court.								
Stamp for Vukeelutnama	.....	2	"	"	✓		
Vukeel's Fee	.....	2	5	2	✓		
				4	5	2	✓	
				Rupees....	25	7	9	✓



Chunni
Sealer

Chunni
Acting Registrar

The 8th day of August 1864.