

In the High Court of Judicature, Bombay.

Friday, the 5th day of August 1864.

SPECIAL APPEAL No. 223 - of 1864.

Atunaram Bulal -
Kogje of the Rutnagiri
Division of the
Konkan District -
(Original Plaintiff)

Appellant,

versus

Sudashiv Hurri Mahad-
yan of the Rutnagiri
Division of the Konkan
District - (Original Defendant)

Respondent,

Rs. 249-1-3-

The claim in the Original Suit was to recover balance
of Rs 229 and interest thereon lent
to Defd.

In Appeal No. 279 of 1862 the Act. Sen. Assis^t Judge
of the District of Konkan at Rutnagiri annulled
the Decree of the S. A of Rutnagiri who had awarded the
claim, and awarded Rs 249-1-3 by sale
of the mortgaged property excepting a
third share of a plotted village.

A Special Appeal was preferred in the High Court on the grounds that the deci-
sion of the Acting Senior Assistant
Judge is contrary to law in that,

He

a The Senior Assistant Judge held
the share in dispute not to be sub-
ject to the Appellant's mortgage lien.

b The sale of property in execution
of a decree confers on the purchaser
the right title and interest of the
execution debtor only.

c But does not extinguish the rights
of prior incumbrances over it.

The Court reverses the decree of
the Senior Ass't Judge and confirms
the decree of ^{the} Subj Ameen - Costs

in Special Respondent - Sudasio Humi

Joseph Arnold
H. C. W. M.

MEMORANDUM OF COSTS incurred in Special Appeal No. 223.

of 1864. against the decision of the *Actg. Sudder Afs. Judge* of the District of *the Konkan* and disposed of on the *5th August 1864* by

BY THE APPELLANT—

In the District.				
In the <i>Sudder Amiri's Court</i>	27	96		✓
In the <i>Actg. Sudder Afs. Judge's Court</i>	8	76		✓
In this Court.			36	1 " ✓
Stamp for Memorandum of Special Appeal	16	" "		✓
Stamps for copies of Decree and Judgment	3	" "		✓
Stamp for Vukeelutnama	2	" "		✓
Batta for Process and Postage	1	" "		✓
Sectioner's Fee	"	11	9	✓
Vukeel's Fee	7	76		✓
			30	33 ✓
			Rupees....	66 43 ✓

BY THE RESPONDENT.

In the District.				
In the <i>Sudder Amiri's Court</i>	8	15	6	✓
In the <i>Actg. Sudder Afs. Judge's Court</i>	26	96		✓
In this Court.			35	9 " ✓
Stamp for Vukeelutnama	"	" "		✓
Vukeel's Fee	"	" "		✓
			Rupees....	35 9 " ✓



G. M. S.
Sealer

G. M. S.
Acting Registrar

5 day of August 1864