

In the High Court of Judicature, Bombay.

From day, the 25<sup>th</sup> day of August 1864.

SPECIAL APPEAL No. 230 of 1864

Sandabai, widow of —  
Bendoo Bapaaji of the Poonee  
District — (Original Defendant) } Appellant,

versus

Vannaji Narayun Jog,  
deceased, his son and  
heir Naro of the Poonee  
District — (Original Plaintiff) } Respondent,

Rs. 301-11-11

The claim in the Original Suit was to obtain possession  
of a house and verandah

In Appeal No. 33 of 1863 the Act. Judge —  
of the District of Poonee at Saunale confirmed  
the Decree of the Juff of Bliwandi who had awarded  
the claim

A Special Appeal was preferred in the High Court on the grounds that (1) the  
decision of the Acting Judge is against  
law in that,

1<sup>st</sup> - The Lower Court has virtually held the agreement to rent by the Respondents' father as evidence against the Appellant.

2<sup>nd</sup> - The Lower Court has held the possession of a shop as proof of the ownership of the house close by.

and that (2) there has been a defect of procedure in the investigation of the case which has produced substantial error in the decision of the case on its merits in that the Lower Court, by upholding the decision of the Moonsiff in the 2<sup>nd</sup> issue has, by implication, sanctioned an irregularity in procedure on the part of the Moonsiff, who presumed an irregularity in the conduct of business of the Stamp Department.

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

H. P. S. S. S.

W. M. S.

MEMORANDUM OF COSTS incurred in Special Appeal No. 230

of 1864. against the decision of the *Acting Judge* of the District of *Simla* and disposed of on the 15<sup>th</sup> Aug 1864 by *Conforming the same with costs*

BY THE APPELLANT—

*In the District.*

In the <i>Moonseff's Court</i> .....	11	8	6	
In the <i>Acting Judge's Court</i> .....	43	4	6	
				54 13 "

*In this Court.*

Stamp for Memorandum of Special Appeal .....	32	"		
Stamps for copies of Decree and Judgment .....	3	"		
Stamp for Vukeelutnama .....	2	"		
Batta for Process and Postage .....	1	7	"	
Sectioner's Fee .....	1	5	6	
Vukeel's Fee .....	9	"	6	
				48 13 "

Rupees..... 103 10 "

BY THE RESPONDENT.

*In the District.*

In the <i>Moonseff's Court</i> .....	54	12	6	
In the <i>Acting Judge's Court</i> .....	10	"	6	
				64 13 "

*In this Court.*

Stamp for Vukeelutnama .....	2	"		
Vukeel's Fee .....	9	"	6	
				11 " 6 "

Rupees..... 75 13 6 "



*Chune*  
Sealer

*Chune*  
Acting Registrar

15<sup>th</sup> day of August 1864.