

In the High Court of Judicature, Bombay.

Friday, the 5th day of August 1864

SPECIAL APPEAL No. 232 OF 1864.

Fijaba bin Vishwanath Bhurda
of the Ahmednugur District

Appellant

(Original Defendant)

VERSUS

Balumbhut bin Sukharambhut
and Babaji bin Ababhut and Abada
bin Gungadhubhut, Mool of
the Ahmednugur District

Respondent

(Original Plaintiffs)

Rs. 2-8-11

The claim in the Original Suit was to establish title to certain offerings on the wife of Fijabus' son arriving at the age of puberty.

In Appeal No. 131 of 1862 the Judge of the District of Ahmednugga at Ahmednugga reversed the Decree of the Mj of Naffra who had thrown out the claim and awarded the same with costs.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the District Judge is against law in that the lower court, ^{he} has not decided

on

on the issues laid down that (2) the decision is opposed to Hindoo law and that (3) Documents alleged to be more than 30 years old but held to have come from improper custody have without proof been admitted as evidence.

District

The Court reverses the Judge's Decree, and Remands the case for a distinct finding by the Judge on the same issues as have already once been set down for his decision by this Court. And whether any ceremonies obligatory or optional were performed on the occasion of Jeejabai's ^{wife} ~~son's~~ attaining puberty -

& if so whether Balkrishna & others were the persons entitled of hereditary right to perform them -
A new Decree to be given on merits. Costs to be eventually determined follow the final decision.

Joseph Arnold
J. C. Weston.

MEMORANDUM OF COSTS incurred in Special Appeal No. 232

of 1864 against the decision of the Judge of the District of *Shimoga*, and disposed of on the 5th August 1864 by *remanding the same for retrial.*

IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	3	"	"		
Stamp for Vukeelutnama <i>two</i>	4	"	"		
Batta for Process and Postage	1	14	6		
Sectioner's Fee	3	9	"		
Vukeel's Fee one-fourth	"	"	3		
				12	7 9
				Rupees . . .	12 7 9

BY THE RESPONDENT—

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



C. Mune
Acting Registrar

C. Mune
Sealer

5th of August 1864.