

In the High Court of Judicature, Bombay.

Wednesday, the 3rd day of August 1864.

SPECIAL APPEAL No. 234 of 1864.

Rajooji Sudashiv Naik of the
Konkan District ————— } Appellant
(Original Plaintiff ————)

versus

Daji Raghosnath Naik
of the Konkan District ————— } Respondent
(Original Defendant ————)

Rs. 28 — 4 — 5.

The claim in the Original Suit was to recover possession of a salt-pan alleged to have been leased by Rajooji's father to Deft.

In Appeal No. 297 of 1863 the Assis^t Judge of the District of Konkan at Terna confirmed the Decree of the Judge of Poasia who had thrown out the claim.

A Special Appeal was preferred in the High Court on the ground that ~~the~~ the decision of the Assis^t District Judge is contrary to Law in that ————

the The lower Court has held the Decree

decree N^o 205 of 1860 (exhibit N^o 13) binding
on the appellant although he was not a party
to the suit; (2nd) the Lower Court has
misconstrued the passage in document
N^o 4 beginning with "Samajin te badalale
asatani agara parata ketaki tari "Kinkadina
anamana nasina," vea (that is "should he
change his mind; should he even resume
the salt pan, there is (or literally existing)
no unwillingness on my part" vea) to end; and
(3rd) the Respondent having pleaded
his possession under the deed of gift,
the onus of proof was improperly thrown
upon the appellant.

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

[Signature]
Alexander W. Spooling

MEMORANDUM OF COSTS incurred in Special Appeal No. 234

of 1864 against the decision of the *Sp. Judge* of the District of *the Konkan* and disposed of on the 3rd August 1864 by *Confirming the same*.

BY THE APPELLANT—

In the District.					
In the <i>Moonisiff's Court</i>	.....	18.	13	7.	
In the <i>Sp. Judge's Court</i>	.....	4.	13	7.	
In this Court.					23 11 2.
Stamp for Memorandum of Special Appeal	.....	2	"	"	
Stamps for copies of Decree and Judgment	.....	1	8	"	
Stamp for Vukeelutnama	.....	2	"	"	
Batta for Process and Postage	.....	1	3	"	
Sectioner's Fee	.....	2	8	6.	
Vukeel's Fee	.....	"	13	6.	
					10 1.
					Rupees.... 33 12 3.

BY THE RESPONDENT.

In the District.					
In the <i>Moonisiff's Court</i>	.....	13.	8	8.	
In the <i>Sp. Judge's Court</i>	.....	1	13	7.	
In this Court.					15 6 3.
Stamp for Vukeelutnamas <i>two</i>	.....	4	"	"	
Vukeel's Fee	.....	"	13	6.	
					4 13 6.
					Rupees.... 20 3 9.



Channe
Acting Registrar

Channe
Sealer
The 3rd day of August 1864