

Satara

In the High Court of Judicature, Bombay.

Tuesday, the 5th day of August 1864.

SPECIAL APPEAL No. 236 of 1864.

Yesso bin Pandoo Patil

of the Satara District — Appellant

(Original Defendant)

versus

Lavindrao bin Vashi

wanathrao Dushoor Patil

of the Satara District — Respondent

(Original Plaintiff)

Rs. 20-0-0

The claim in the Original Suit was to recover possession of land under a deed of sale, alleged to have been executed by a third party to self.

In Appeal No. 263 of 1863 the Judge of the District of Satara at Satara confirmed the Decree of the Juff of Walave who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the district Judge is contrary to law in that
1. The sale of property by a person who was not the owner has been held

held binding upon the proper owner against his will.

2. That there has been a substantial error in law in the investigation of the case which has produced error in the decision of the case on the merits of the case in that,

1. The court below did not enquire into the fact as to who was the owner of the land in dispute and which was the land sold, the Appellant being the owner of the land, the sale thereof by a third person has been held valid.

2. The fact of the Appellant's mark of attestation owing to a mistake of fact being upon the deed of sale has been held to conclude the Appellant from afterwards disputing its validity.

The Court confirm the decree of the District Judge with costs on Special Appellant

W. M. W.
Guardian of Property

MEMORANDUM OF COSTS incurred in Special Appeal No. 236.

of 1864 against the decision of the Judge ----- of the District of *Satara* ... and disposed of on the *5th August 1864* by *Confirming the same with Costs.*

BY THE APPELLANT—

<i>In the District.</i>			
In the <i>Moonjeff's Court</i> -----	4 67	✓	
In the <i>Judge's Court (including V. Fee)</i>	4. 51.	✓	
			8. 118.
<i>In this Court.</i>			
Stamp for Memorandum of Special Appeal	2 "	✓	
Stamps for copies of Decree and Judgment	2 "	✓	
Stamp for Vukeelutnama	2 "	✓	
Batta for Process and Postage	" 15"		
Sectioner's Fee	2 2"		
Vukeel's Fee	" 97.		9 107.
			<u>18 63.</u>
			Rupees....

BY THE RESPONDENT.

<i>In the District.</i>			
In the <i>Moonjeff's Court</i>	9 37.		
In the <i>Judge's Court</i> -----	1 97.		
			10 132
<i>In this Court.</i>			
Stamp for Vukeelutnama	2 "		
Vukeel's Fee	" 97.		2 97.
			<u>13. 69.</u>
			Rupees....



Chune
Sealer

Chune
Acting Registrar

5th day of August 1864.