

In the High Court of Judicature, Bombay.

Wednesday day, the 2<sup>nd</sup> day of August 1864.

SPECIAL APPEAL No. 240 - of 1864.

Dattat bin Stand -  
- shet Kolvaniker, deceased,  
his son and heir Gopal  
of the Konkan District,  
Appellant,  
(Original Defendant)  
Plaintiff

versus

Dinkar Bhalchandra -  
Bapat, deceased his heir -  
and Grandson Balkrishna  
Hem's Bapat of the Konkan  
District  
Respondent,  
(Original Plaintiff)  
Defendant

Rs. 14 - - - -

The claim in the Original Suit was to recover possession  
of  $1\frac{1}{2}$  Aergas of land on payment of  
the amount of the mortgage bond.

In Appeal No. 18 of 1862 the Acting Judge  
of the District of Konkan at Shannah reversed  
the Decree of the Juff of Police who had decreed redemption  
on payment of Rs 15 and threw out  
the claim.

A Special Appeal was preferred in the High Court on the grounds that there  
has been a substantial error in law in  
the procedure of the case, and which  
has

has produced error in the decisions of  
the case on its merits in that,

1. <sup>In that</sup> The Acting Judge has erroneously rejected the documents Nos 11-15 and 19 from his consideration.
2. In that the Judge has given a weight not warranted in Law to the Defendants' possession, it being less than 30 years.
3. In that the onus of proof has been thrown on the wrong party viz: Appellant.

The Court confirms  
the decree <sup>of the</sup> Acting Judge with  
costs on the Special Appellant.

W. Madson

Amendments Pending

MEMORANDUM OF COSTS incurred in Special Appeal No. 240

of 186 4 against the decision of the *Acting Judge* of the District of *the Mookum* and disposed of on the 3<sup>rd</sup> August 1864 by *Confirming the same with Costs.*

BY THE APPELLANT—

In the District.			
In the <i>Moonseff's Court.</i>	.....	8 7 9	✓
In the <i>Judge's Court.</i>	.....	1 6 9	✓
In this Court.			9 14 6 ✓
Stamp for Memorandum of Special Appeal	.....	1 " "	✓
Stamps for copies of Decree and Judgment	.....	2 8 " "	✓
Stamp for Vukeelutnama	.....	2 " "	✓
Batta for Process and Postage	.....	" 15 " "	✓
Sectioner's Fee	.....	" 7 6 "	✓
Vukeel's Fee	.....	" 6 9 "	✓
		8 5 3	✓
		Rupees....	18 3 9 ✓

BY THE RESPONDENT.

In the District.			
In the <i>Moonseff's Court.</i>	.....	3 1 9	✓
In the <i>Judge's Court.</i>	.....	3 4 9	✓
In this Court.			6 6 6 ✓
Stamp for Vukeelutnama	.....	2 " "	✓
Vukeel's Fee	.....	" 6 9 "	✓
		2 6 9	✓
		Rupees....	8 13 3 ✓



*Uppine*  
Sealer

*Uppine*  
Acting Registrar

The 3<sup>rd</sup> day of August 1864.