

Konkan

In the High Court of Judicature, Bombay.

~~24th~~ day, the 3rd day of August 1864.

SPECIAL APPEAL No. 245 of 1864.

Manglia bin Balia Bhoir and Linwar bin Balia Bhoir of whom Manglia deceased his heirs his daughter Raghi and brother Linwar of whom Raghi a minor her guardian District _____ (Original Plaintiffs -) } Appellants
Dindi wife of Balia Bhoir of the Konkan.

versus

Zoja Manglia and Lakdia Baloocha and Bama Dhago Patel of the Konkan District _____ (Original Defendants -) } Respondents

Rs. 2-0-0

The claim in the Original Suit was to recover possession of certain lands leased to Depts and for which they would not pay rent

In Appeal No. 53 of 1863 the Acting Judge of the District of Konkan at Laamali reversed the Decree of the P.S.A. of Laamali who had awarded the claim and threw it out with costs.

A Special Appeal was preferred in the High Court on the grounds that (1) there has been a substantial error in law in the investigation of the case which has produced error

in the decision thereof, upon its merits in that
the Appellate Court having held the ownership
over the ground in dispute to belong to the
Appellant, it was an error in not awarding him
possession thereof: and that (2) The fact of the
Respondents cultivation of the land belonging
to the Appellant under payment of the assessment
thereof does not entitle him to enjoy it hereditarily.
The appellate Court, therefore ought not to have
refused to award possession, contrary to the
custom of the country.

The Court reverse
the decree of the ^{acting} District
Judge and confirm
that of the Principal
Juddar Amca with costs
on the Special Respondent.

H. B. Fisher

L. S. and J. S. P. S. S.

MEMORANDUM OF COSTS incurred in Special Appeal No. 2452

of 1864 against the decision of the *Acting Judge* of the District of *the Northwards* and disposed of on the 8th August 1864 by reversing the Decree of the *Acting Judge & Con.* affirming that of the *Principal Sudder Amie.*

BY THE APPELLANT

In the District.			
In the <i>Principal Sudder Amie Court</i>	64"		
In the <i>Judge's Court</i>	11"		
In this Court.			78"
Stamp for Memorandum of Special Appeal	1"		
Stamps for copies of Decree and Judgment	18"		
Stamp for Vukeelutnama	2"		
Batta for Process and Postage	1"		
Sectioner's Fee	113		
Vukeel's Fee	1"		
			7.43.
		Rupees....	14123.

BY THE RESPONDENT

In the District.			
In the <i>Principal Sudder Amie Court</i>	2.39.		
In the <i>Judge's Court</i>	213"		
In this Court.			5"9.
Stamp for Vukeelutnama	2"		
Vukeel's Fee	1"		
			21"
		Rupees....	719.



C. J. G. M.
Sealer

C. J. G. M.
Acting Registrar

The 8th day of August 1864 -