

In the High Court of Judicature, Bombay.

Monday, the Eleventh day of July 1864.

SPECIAL APPEAL No. 25 - OF 1864.

Sudashiv & Beshaji Mule of
the Putnageri Division of the
Konkan District (Original Defendant)

Appellant,

versus

Srimbee Waman Mule
deceased his son Shri Keshu & minor by his
guardian Balaji Mankar Mule
of the Putnageri Divi-

-sion of the Konkan -

District - (Original Plaintiff)

Respondent

Rs. 154-14-7-

The claim in the Original Suit was to recover share of
Khotu village & 3 years mesne profits.

In Appeal No. 47 of 1863 the Senior A.M. Judge
of the District of the Deccan at Putnageri amended
the Decree of the Sd. Mee. who decreed for Plaintiff

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
produced error in the decision of the
case

case on its merits in that

a. The Appellant having held possession as proprietor of the disputed village for, 30 years, and upwards, the respondent was barred from instituting this suit.

b. The suit cannot be valued at the yearly assessment, the Respondent having claimed to recover a share in a Khato village.

c. The Courts below received secondary evidence of the contents of the deed of partition, the same being inadmissible.

d. The respondent is not entitled to any share in the village which had been given to the Appellant after it had become Khalsa.

The Court confirm the Decree of the Senior Asst. Judge with Costs in Special Appellant.

Joseph Arnold

H. P. Tucker

Bill of Costs

By the Appellant
In the District

In the Sudder Amree's Court ——— 13. 2. 1.
including Fee

In the Senior Asst. Judge's Court ——— 29. 8. 7

42. 10. 8

Carried over ——— 42. 10. 8

Brought-over Rupees ————— 42.10.8

In this Court

Stamp for Memo. of special app ^l	16 "	"
Stamps for Copies of decree & judgment	3 "	"
Stamp for Vukalutunama	2 "	"
Stamp for an application to enter the name of the appellants heirs	2 "	"
Datta for Procep	8 "	"
Sectioner's Fee	1.2.3	"
Vukel's Fee	4.12.9	29.7"

Rupees ————— 72.1.8

By the Respondent
In the District

In the Sudder Amiers Court	35.7.7	
D ^o Senior Sp ^l Judges Court	9.3.7	44.11.2

In this Court

Stamps for Vukalutunamas	4 "	"
Vukel's Fee	4.12.9	8.12.9

Rupees. 53.7.11



C. Mune
Acting Registrar

C. Mune
Sealer.

The 11th day of July 1864.