

Poona & Solapur

In the High Court of Judicature, Bombay.

Fri day, the *23rd* day of *December* 186*4*.

SPECIAL APPEAL No. *250* of 186*4*.

Shaba Wulud. Munoo Kalalkhore
of the Poona District

Appellant

(Original Defendant.)

versus

Soobha Wulud Mahadoo and Laloo
Wulud Bapoo Kalalkhore of the
Poona District.

Respondents

(Original Plaintiffs)

Rs. *4 - - - -*

The claim in the Original Suit was to recover *Rs. 4* on account
of *manpan*

In Appeal No. *1017* of 186*2* the *Judge*
of the District of *Poona* at *Poona* affirmed
the Decree of the *Juff* at *Poona* who had awarded *Plff's 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 the District Judge ^{he} erred in holding
Appellant

Appellant bound by decrees to which he was no party that (2) the District Judge erred in being guided by precedents wrong in principle and which ought to be reversed that (3) the District Judge erred in holding the deed of gift under which Respondent claimed, valid for the reason given by him that (4) the District Judge misconstrued Appellants pleadings in holding that Mutoo's power to alienate his man Pan Hukks was not called in question by them. that (5) whether the question was raised or not the District Judge was in error in upholding the transfer of these rights to Respondent the said rights being by the custom of the country purely hereditary that there have been substantial errors in law in the investigation of the case which have produced errors in the decision of the case upon its merits that (6) the District Judge has failed to enquire into and determine the question as to the power of Mutoo to alienate the Hukks claimed in this case and that (7) the District Judge has awarded a larger amount than was awarded by the previous Decrees quoted by him.

The Court reverses the decree of the District Judge.

Costs on Special Respondent.

Abhimalochi P. S. S.
H. P. S. S.

MEMORANDUM OF COSTS incurred in Special Appeal No. 250

of 1864. against the decision of the Judge _____ of the District of Poona and disposed of on the 23rd December 1864 by reversing the same.

BY THE APPELLANT—

IN THE DISTRICT.

In the Moonisiff's Court (including Vukeel's Fee)	3	13	11			
In the Judge's Court	2	8	11			
					6	6 10

IN THIS COURT.

Stamp for Memorandum of Special Appeal	1	"	"			
Stamps for copies of Decree and Judgment	2	8	"			
Stamp for Vukalutnama (2)	4	"	"			
Stamp of an application to enter the name of the Appellant's heir	-	-	-			
Batta for Process and Postage	"	13	"			
Sectioner's Fee	1	33				
Vukeel's Fee	"	1	11			
					9	10 2
Rupees....					16	1 "

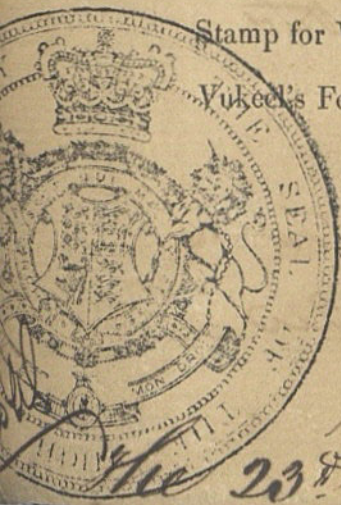
BY THE RESPONDENT

IN THE DISTRICT.

In the Moonisiff's Court	5	12	5			
In the Judge's Court	1	1	11			
					6	14 4

IN THIS COURT.

Stamp for Vukalutnama	2	"	"			
Vukeel's Fee	-	1	11			
					2	1 11
Rupees....					9	3



R. West
Deputy Registrar
 The 23rd day of December 1864 *R. West*
Registrar