

In the High Court of Judicature, Bombay.

Monday, the 15<sup>th</sup> day of August - 1864.

SPECIAL APPEAL No. 253 - of 1864.

Nandev Mulid Dowlut Patil of  
the Solapoor District

Appellant

(Original Defendant)

versus

Yemaji wulid Bajee Patil of the  
Solapoor District

Respondent

(Original Plaintiff)

Rs. 266-10-00

The claim in the Original Suit was to recover possession  
of a  $\frac{1}{4}$  share in a *patetke* written.

In Appeal No. 64 of 1862 the *Judicial*  
of the District of *Solapoor* at *Solapoor* affirmed  
the Decree of the *Judge of Peace* who had awarded the  
claim.

*have*  
*there had been*

A Special Appeal was preferred in the High Court on the grounds that (1) *sub-*  
*stantial errors in law in the investigation of the*  
*case have been made which have produced errors*  
*in the decision of the case upon its merits in that*  
*the*

the onus of proof is wrongly thrown on the appellants  
that (2) all the persons interested in the subject  
matter of the suit are not made parties to it, that  
(3) the Respondent belongs to the younger branch  
of the family so that he had no right to the  
writ in question and that (4) the claim  
is barred by the law of limitation.

The Court amends the Decree  
of the Judge by awarding  $\frac{1}{8}^{\text{th}}$  to  
Yemajee the original Plaintiff, &  
Special Respondent instead of  $\frac{1}{4}^{\text{th}}$ .  
Costs throughout to be borne  
in proportion.

Joseph Anand.

H. C. M. S.

Lawrence S. S. S.

(1) and  
of the  
of the  
of the

MEMORANDUM OF COSTS incurred in Special Appeal No. 253.

of 1864. against the decision of the Judge of the District of Sholapur and disposed of on the 15<sup>th</sup> Aug<sup>r</sup> 1864 by Amendment.

BY THE APPELLANT—

In the District.				
In the Moonjeff's Court (including V. Fee.)	28	7	10	✓
In the Judge's Court (including V. Fee.)	32	15	3	✓
			61	71
In this Court.				
Stamp for Memorandum of Special Appeal	16	"	"	✓
Stamps for copies of Decree and Judgment	3	8	"	✓
Stamp for Vukeelutnama <i>stora</i>	4	"	"	✓
Batta for Process and Postage	1	8	"	✓
Sectioner's Fee	"	15	"	✓
Vukeel's Fee	8	"	"	✓
			33	15
Rupees	95	6	1	✓

BY THE RESPONDENT.

In the District.				
In the Moonjeff's Court	52	12	1	✓
In the Judge's Court	9	"	"	✓
			61	12
In this Court.				
Stamp for Vukeelutnama <i>stora</i>	4	"	"	✓
Vukeel's Fee	8	"	"	✓
			12	"
Rupees	73	12	1	✓



*Yume*  
Sealer

*Yume*  
Acting Registrar

The 15 day of August 1864.