

*K. M. P. M.*

In the High Court of Judicature, Bombay.

Monday, the 6 day of February 1864.

SPECIAL APPEAL No. 255 of 1864.

Hurri Wassooder, deceased, his heirs  
his brother Moro Wassooder Vishu  
umpayun also deceased his son and  
heirs Ramchunder of the Ahmed-  
nagar District (Original Plaintiff) Appellant

versus

Dinkurbhut Devdhar and  
Balkrishn bhut, <sup>& Bhagobhut</sup> bin Dinkurbhut  
of whom Dinkurbhut deceased his  
heirs Balkrishn bhut and Bhao  
bhut of the Konkan District Respondents  
  
\_\_\_\_\_  
(Original Defendants)

Rs. 150—''—''

The claim in the Original Suit was to *revoke possession of a house*  
*with land etc situated at Falia which the original*  
*defendants had been allowed the use of.*

In Appeal No. 513 of 1863 the *acting Judge*  
of the District of *the Konkan* at *Saund* affirmed  
the Decree of the *Magistrate at Falia* who *had rejected the claim.*

A Special Appeal was preferred in the High Court on the grounds that (1) *substan-*  
*tial 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 all the ab- [unclear] [unclear] [unclear]*

is not received that (2) the acting judge was in error in holding that the Appellant "does not raise the dispute as to the length of Defendants possession" whereas from the plaint and exhibit No. 22 it appears that he has done so that (3) the point at issue is not properly laid in as much as the respondents having admitted that the property in question belonged to "Harris" the onus of proving the gift from him should have been thrown upon the Respondents that (4) the parties to the suit being at issue as regards the length of Respondents possession the acting judge was in error in assuming Respondents possession for a period of 30 years and that (5) the acting judge having held that there is no proof of a gift to the Respondent was in error in rejecting the claim.

The Court was in favour of the Decree of the D<sup>c</sup> Judge. Costs on Appl<sup>t</sup> & Appellants

Advocate Fuchs.

M. S. Fuchs.

MEMORANDUM OF COSTS incurred in Special Appeal No. 255

of 186 *A* against the decision of the *Judge* of the District of *the Kankar* and disposed of on the *5 February 1865* by *confirming the same with costs.*

BY THE APPELLANT—

IN THE DISTRICT.

In the *Moosiffi Court* ..... 25 11 6 ✓  
 In the *Judge's Court* ..... 15 15 .. ✓

41 10 0 ✓

IN THIS COURT.

Stamp for Memorandum of Special Appeal ..... 8 .. ✓  
 Stamps for copies of Decree and Judgment ..... 2 8 .. ✓  
 Stamp for Vukalutnama ..... 2 .. ✓  
 Stamp of an application to enter the name of the Appellant's heir ..... 0 0 0  
 Batta for Process and Postage ..... 2 .. ✓  
 Sectioner's Fee ..... 1 2 9 ✓  
 Vukeel's Fee ..... 4 8 .. 21 2 9 ✓

Rupees.... 62 13 2 ✓

BY THE RESPONDENT—

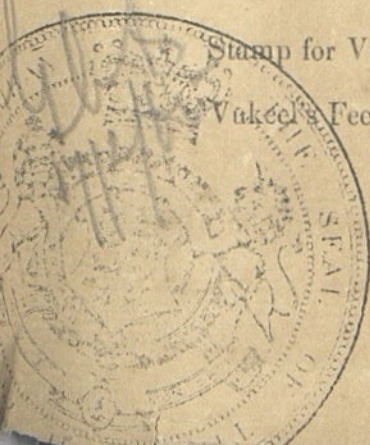
IN THE DISTRICT.

In the *Moosiffi Court* ..... 15 3 .. ✓  
 In the *Judge's Court* ..... 5 8 .. ✓  
 20 11 .. ✓

IN THIS COURT.

Stamp for Vukalutnama ..... 2 .. ✓  
 Vukeel's Fee ..... 4 8 .. 6 8 .. ✓

Rupees.... 27 8 .. ✓



*Handwritten signatures and names at the bottom of the page.*