

Poona & Solapur

In the High Court of Judicature, Bombay.

Thurs day, the 11<sup>th</sup> day of August 1864.

SPECIAL APPEAL No. 259 of 1864.

Keval bin Upaji of the Poona District

Appellant

(Original Defendant)

versus

Uma bin Soorchand and Krishna bin Birbhan Marwadi of the Poona District

Respondents

(Original Plaintiffs)

Rs. 572 - - -

The claim in the Original Suit was to recover on an agreement.

In Appeal No. 1069 of 1862 the Judge of the District of Poona at Poona confirmed the Decree of the Juff of Wudgaon who had awarded the 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.

a The district Judge has misconstrued the agreement.

agreement No. 3

b The appellant was not bound to give a Shartkut (release) before the Respondent had paid all that he had contracted to pay.

H <sup>and</sup> That <sup>(2)</sup> 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 on its merits in that the whole of the appellants evidence was not taken.

The Court reverse the decrees of the Lower Courts and throw out the claims with costs on the Special Respondent.

H. H. Fisher.

Special Respondent

MEMORANDUM OF COSTS incurred in Special Appeal No. 259.

of 1864 against the decision of the Judge of the District of Poona and disposed of on the 11 August 1864 by reversing the decree of the lower Court and throwing out the claim with costs.

BY THE APPELLANT—

In the District.			
In the Moonseff's Court (including V. Fee)	19	13	1.
In the Judge's Court	53	9	7.
		73 68.	
In this Court.			
Stamp for Memorandum of Special Appeal	32	"	"
Stamps for copies of Decree and Judgment	3	"	"
Stamp for Vukeelutnama	2	"	"
Batta for Process and Postage	2	9	"
Sectioner's Fee	"	13	10
Vukeel's Fee	17	2	7.
		57 95	
		Rupees	131 41.

BY THE RESPONDENT.

In the District.			
In the Moonseff's Court	52	9	1.
In the Judge's Court	37	5	2.
		89 14 3	
In this Court.			
Stamp for Vukeelutnama	2	"	"
Vukeel's Fee	17	2	7.
		19 2 7.	
		Rupees	109 10



*Spence*  
Sealer

*Spence*  
Acting Registrar

The 11<sup>th</sup> day of August 1864.