

In the High Court of Judicature, Bombay.

Wednesday, the 10th day of August 1864.

SPECIAL APPEAL No. 261 of 1864

Surtas Gulab Bala
Surveyor of the Solapur District } Appellant,

District (Original Defendant)

versus

Munohar Bapooji Jode
of the Solapur District } Respondent,

(Original Plaintiff)

Rs. 182-8-6

The claim in the Original Suit was to recover four kluns of a shop held from one sharer and attached in execution of a decree against another.

In Appeal No. 336 of 1861 the *Judge* of the District of Solapur at Solapur reversed the Decree of the *Judge of Bar* who *held thrown out* the claim, and awarded it with costs *and* *cc*

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 as it was not proved

that

that Mubhaput was in bona fide possession for 30 years the right of Sidos to half of the ancestral property was not affected notwithstanding which the claim was awarded, therefore [the decision is] contrary to Section 1 of Regulation of 1827: that (2) the decision of the District Judge is contrary to usage having the force of law in that Sidos's father Deoji and Ichundoo's grandfather Mulhari were full brothers and the property being ancestral, Ichundoo alone was not competent under the Hindu Law to sell the whole of it... inclusive of the half of the property in dispute - whereas the claim of Munohur was allowed contrary to the Hindu Law: that (3) a substantial error in law has occurred in the investigation of the case which has produced error in the decision of the case upon its merits, in that the material points at issue in the case were whether the property in dispute belonged to Ichundoo alone as self acquired as contended by him and whether he proved the same, whereas no such points were laid down and that (4) Munohur not having urged that he returned the deed of mortgage [to the mortgagee], the lower Court should not have held that he was a mortgagee, since he failed to produce the mortgage deed.

The Court

confirm the decree of the
District Judge with costs
on the Special Appellant

Atty Genl
Alexander Waples

MEMORANDUM OF COSTS incurred in Special Appeal No. 261.

of 1864 against the decision of the Judge of the District of Sholapur, and disposed of on the 10th Aug^r 1864 by Confirming the same with Costs.

BY THE APPELLANT—

In the District.

In the Moonjeff's Court (including fee)	11	51			
In the Judge's Court (including fee)	7	41	20	10	

In this Court.

Stamp for Memorandum of Special Appeal	16	"			
Stamps for copies of Decree and Judgment	3	"			
Stamp for Vukeelutnama	2	"			
Batta for Process and Postage	1	8			
Sectioner's Fee	"	10	9		
Vukeel's Fee	5	7	28	10	4
Rupees			49	44	

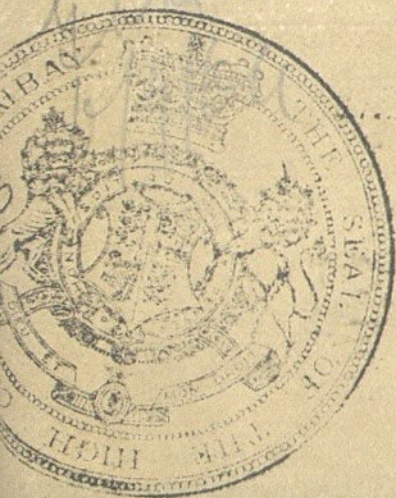
BY THE RESPONDENT.

In the District.

In the Moonjeff's Court	29	12	7		
In the Judge's Court	43	7	3	73	3
				10	

In this Court.

Stamp for Vukeelutnama	2	"			
Vukeel's Fee	5	7	7	7	
Rupees			80	11	5



E. G. Mune

Sealer

The 10th day of August 1864

E. G. Mune
Acting Registrar