

Kankru

In the High Court of Judicature, Bombay.

Tues day, the 4<sup>th</sup> day of August 1864.

SPECIAL APPEAL No. 265 OF 1864.

Muhammad Pishi Ayal  
Muhammad Ismail of  
Pursul ~~and~~ now at Bom-  
bay

Appellant

(Original Plaintiff)

versus

Bapoo Mahad Patil  
of the Kankru District

Respondent

(Original Defendant)

Rs. 4-4-5

The claim in the Original Suit was to oust Deft from certain lands held under a written agreement passed by Plff's agent.

In Appeal No. 243 of 1863 the Acting Judge of the District of ~~Waghod~~ at ~~Thampur~~ affirmed the Decree of the ~~Juff of Dammul~~ who ~~had~~ thrown out the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) <sup>the</sup> decision of acting Judge is contrary to law in that he has erroneously required considerations

to be shown for the document on which  
the action was brought to render it valid  
and binding and (2) that he erred in hold-  
ing there was no consideration for the said  
document and (3) that he has erroneously  
relieved Respondent from the legal conse-  
quences of a document which he admits  
having executed and (4) that the burden  
of proof has been placed on the wrong  
party to wit appellant.

The Court reverse  
the decree of the Acting  
Judge and award the  
claim with costs.

Attest  
J. M. Warden  
Clerk of the Court

MEMORANDUM OF COSTS incurred in Special Appeal No. 265

of 1864 against the decision of the *Acting Judge* of the District of *Konkan* -- and disposed of on the 4<sup>th</sup> August 1864 by *reversing Acting Judge's decree and awarding the claim with costs*

BY THE APPELLANT—

In the District.				
In the <i>Moonseff's Court</i> (including Fee)	4	"	"	✓
In the <i>Acting Judge's Court</i>	2	12	"	✓
<i>In this Court.</i>				
Stamp for Memorandum of Special Appeal	1	"	9	✓
Stamps for copies of Decree and Judgment	3	"	"	✓
Stamp for Vukeelutnama	2	"	"	✓
Batta for Process and Postage	1	2	"	✓
Sectioner's Fee	1	"	6	✓
Vukeel's Fee	"	2	"	✓
			8	4
			6	✓
			Rupees	15
				6

BY THE RESPONDENT.

In the District.				
In the <i>Moonseff's Court</i>	"	2	"	✓
In the <i>Acting Judge's Court</i>	1	2	"	✓
<i>In this Court.</i>				
Stamp for Vukeelutnama	2	"	"	✓
Vukeel's Fee	"	2	"	✓
			2	2
			"	✓
			Rupees	3
				6



*Ujwale*

*Sealer*

*Ujwale*  
*Acting Registrar*

*4 days of August 1864.*