

Kandray

In the High Court of Judicature, Bombay.

Thursday, the 4th day of August 1864.

SPECIAL APPEAL No. 266 of 1864.

*Gunesh Sudashiv Pite of the
Konkan District*

Appellant

(Original Plaintiff)

versus

*Lakshumbai kom Babji Punt
Gudbole and Saras Babji Gud-
bole of the Konkan District*

Respondents

(Original Defendants)

Rs. 64- - - -

The claim in the Original Suit was to obtain possession of a field mortgaged to Pite by Deft No 1.

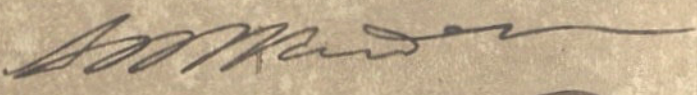
In Appeal No. 272 of 1862 the Acting Judge of the District of *Konkan* at *Chaurah* affirmed the Decree of the *Judge of Alibag* who had thrown out the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the Acting Judge is contrary to law in that he was in error in holding that the mortgage to appellant was not a valid transaction since

Lakshumbai

Lukohmibai was managing the family property during the absence of Mars and as such she had authority to mortgage it: that (2.) the Acting Judge did not allow = appellant at all events to occupy the position of the first mortgagee to pay off whom the property was mortgaged to appellant and that (3.) under any circumstances the Acting Judge did not award appellant the money advanced for the purpose stated.

The Court confirms the decree of the Acting Judge with costs on the Special appellant.


Edward Spindling

MEMORANDUM OF COSTS incurred in Special Appeal No. 266.

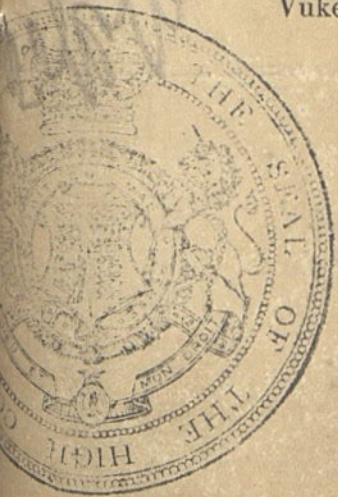
of 1864 against the decision of the Judge of the District of the Konkan and disposed of on the 14th August 1864 by Confirming the same with costs.

BY THE APPELLANT—

In the District.			
In the Moonceiff's Court (including 1/2 Fee)	9 4 9		
In the ^{Acting} Judge's Court	8 14 9		
In this Court.			18 3 6
Stamp for Memorandum of Special Appeal	4 " "		
Stamps for copies of Decree and Judgment	3 " "		
Stamp for Vukeelutnama	2 " "		
Batta for Process and Postage	1 9 "		
Sectioner's Fee	" 14 9		
Vukeel's Fee	1 14 9		13 6 6
Rupees....			31 10 "

BY THE RESPONDENT

In the District.			
In the Moonceiff's Court	2 14 9		
In the ^{Acting} Judge's Court	2 14 9		
In this Court.			5 13 6
Stamp for Vukeelutnama	" " "		
Vukeel's Fee	" " "		
Rupees....			5 13 6



Spence
Sealer

Spence
Registrar

the 14th day of August 1864