

Poonah Appeal

In the High Court of Judicature, Bombay.

Thursday, the 25th day of August 1864

SPECIAL APPEAL No. 267 of 1864

The Firm in the name of Graman
Naik and Lakshman Naik Tule
= partners by one of its owners
and Manager Graman Atmaran
deceased, his son and heir Balprishu
of the Poonah District
(Original Plaintiff) Appellant

versus

Wingyut Narayan, deceased
his son and heir Gopal
and Vishwanath Shinde
= son Puroh of the Poonah
District
(Original Defendants) Respondents

Rs. 200-3-6

The claim in the Original Suit was to ^{Principal} recover and damages for
on a bond mortgaging to Plaintiff a house in ^{the name}
war Peth which they had been subsequently dis-
possessed of by the Defendants

In Appeal No. 267 of 1864 the ^{Acting Judge}
of the District of Poonah at Poonah ^{was} ^{conferred} with
the Decree of the S.A. of Poonah 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 has misconstrued
the deed exhibit No. 33 in holding that
it

it shews that the debt now sued
for has been settled and is now no
longer due: and that (2) the Judge erred
in not giving a decision on the debt
No 3 sued on.

The Court are of opinion that
the J. J. erred in holding the
debt No 3, to which Plaintiff
was no party, a part of a
contract of the original con-
tract with Plaintiff. The Court
therefore reverse the decree
of the J. J. & remand the suit
that the other issues raised in
appeal before the J. J. may
be determined & a new de-
cree passed on the merits
awarding costs.

H. P. Fisher
Esq. in Court

MEMORANDUM OF COSTS incurred in Special Appeal No. 267.

of 186 4 against the decision of the Acting Judge of the District of Poona and disposed of on the 25 Augth 1864 by remanding the same ^{for} for retrial

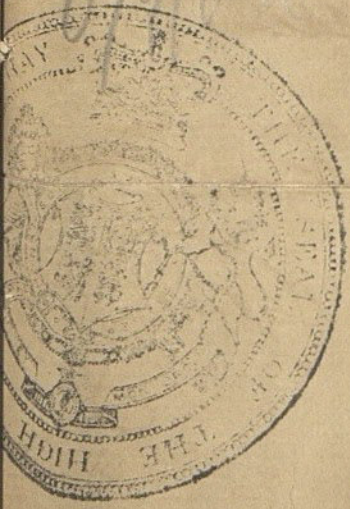
IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	3	00	✓
Stamp for Vukeelutnama <i>two</i>	4	00	✓
Batta for Process and Postage	1	9	✓
Sectioner's Fee	1	13	✓
Vukeel's Fee one-fourth	1	8	✓
		11	14
Rupees ...		11	14

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	00	✓
Vukeel's Fee one-fourth	1	8	✓
		3	8
Rupees ...		3	8



Uyvine
Acting Registrar
Sealer

The 25th day of August 1864.

I send a Certificate on the Treasury
of the Collector of Poona for the refund
of Rupees sixteen (16) being the
value of the stamp used for Special
appeal in this case

25th August 1864

Yours
Acting Registrar

Ed. P. P.

Acting Registrar

25th August 1864