

In the High Court of Judicature, Bombay.

Monday, the 20<sup>th</sup> day of June - 1864.

SPECIAL APPEAL, No. 27 - of 1864.

Syed Ahmed Mulik Syed Tajoodin  
deceased his son and heir Abdool Phutalial  
Phutalial and Amersahab Mulik Naifig  
Mahomed Sahab Inamdar of the Ahmed-  
nagar District (Original Plaintiffs)

Appellants

versus

Suntos Mulik Gianoo Tambut  
and Balkrishu Rajji Lonar  
of the Ahmednagar District  
(Original Defendants)

Respondents

Rs. 25 - " - "

The claim in the Original Suit was to recover a site of ground

In Appeal No. 256 of 1863 the Judge  
of the District of Ahmednagar at Ahmednagar  
the Decree of the P. Sud - Amen who threw out Plaintiffs  
claim -

A Special Appeal was preferred in the High Court on the grounds that that  
the question of title to the land in dispute having  
previously been decided in favour of the party  
through whose Plaintiff claims, in an

action brought by him against the parties  
from whom Defendants claim to hold, see  
Exhibit No. 2, it was incompetent to the <sup>District</sup> Judge  
to hold Plaintiff's proprietary right not proved  
on the grounds he has done. (2) In that the <sup>District</sup> Judge  
erroneously required the production of a grant  
to prove the land in question was Plaintiff's  
Inn. Plaintiff having proved this fact  
by other means. (3) In that the <sup>District</sup> Judge erroneously  
held that no cause <sup>of action</sup> had accrued to Plain-  
tiff at the time he brought this action. De-  
fendants having broken the contract  
by refusing to pay plaintiff rent. (4) In that  
the <sup>District</sup> Judge erroneously laid the costs on  
plaintiff.

The Court confirms the Decree

of the Court below with costs - ~~declining~~ <sup>declining</sup> of a  
willful prejudice to Plaintiff's rent, if any, to  
~~at the same time that no award~~  
~~of the ground rent~~  
~~has been given as to Plaintiff's claim~~  
to ground rent.

Joseph Arnold  
Att'y for Plaintiff

20<sup>th</sup> June 1864.

Pill

*Bill of Costs*

*By the Appellants*

*In the District*

*In the Principal Sudder Amern's Court* \_\_\_\_\_ 9.5.0  
*D<sup>o</sup> Judge's Court (including V. Fee)* \_\_\_\_\_ 1.4.0 10.9.0

*In this Court*

*Stamp for memo. of Special app<sup>l</sup>* \_\_\_\_\_ 2.0.0  
*Stamps for Copies of decree & judg<sup>t</sup>* \_\_\_\_\_ 2.0.0  
*Stamp for Vithalutwama* \_\_\_\_\_ 2.0.0  
*Batta for Process and Postage* \_\_\_\_\_ " 14"  
*Sectioner's Fee* \_\_\_\_\_ 1.2.6  
*Vithal's Fee* \_\_\_\_\_ " 12" 8.12.6

Rspees-- 19.5.6

*By the Respondents*

*In the District*

*In the Principal Sudder Amern's Court* \_\_\_\_\_ 2.12.0  
*D<sup>o</sup> Judge's Court* \_\_\_\_\_ 5.0.0 7.12.0

*In this Court*

\_\_\_\_\_ " " \_\_\_\_\_ " " \_\_\_\_\_ " "  
Rspees-- 7.12.0



*James*  
*Acting Registrar*

*James*

*Sealer*

*The 20<sup>th</sup> day of June 1864.*