

In the High Court of Judicature, Bombay.

27th day, the 11th day of August 1864.

SPECIAL APPEAL No. 270 of 1864.

Mannul Wulud Nathmul Shet
of the Khandesh District

Appellant

(Original Plaintiff)

VERSUS

Hunvita Wulud Buhiroo Patil
of the Khandesh District

Respondent

(Original Defendant)

Rs. 735-0-0

The claim in the Original Suit was to recover Rs 735 the value of certain cotton in accordance with a verbal agreement.

In Appeal No. 144 of 1863 the Judge of the District of Dhule reversed the Decree of the Muff of Jannere who had awarded the claim and threw it out with costs.

A Special Appeal was preferred in the High Court on the grounds that (1) a substantial error in law in the investigation of the case has produced error in the decision of the case on its merits in that if the appellate court was

was

was not quite satisfied from the evidence produced,
it ought not to have reversed the decree given in
the appellants favour without taking further
evidence available. Wherefore, the decree of the
appellate court, is contrary to the Puling
in case No. 3275, and that (2) in this case; the
point required to be laid down was 'Whether
the Respondent had received or not, earnest money
from the appellant, to supply him [the
appellant] with cotton; whereas it has not
been done so.'

The Court confirm
the decree of the District
Judge with costs on the
Special appellant.

By Order

Laccinvar Saperdew

MEMORANDUM OF COSTS incurred in Special Appeal No. 270

of 1864 against the decision of the Judge of the District of Khandesh. and disposed of on the 11th August 1864 by confirming the same with costs.

By THE APPELLANT—

In the District.				
In the Moonseiff's Court	76	12	10	✓
In the Judge's Court	22	8	10	✓
In this Court.			99	5-8 ✓
Stamp for Memorandum of Special Appeal	32	"	"	✓
Stamps for copies of Decree and Judgment	3	8	"	✓
Stamp for Vukeelutnama	2	"	"	✓
Batta for Process and Postage	2	"	"	✓
Sectioner's Fee	2	6	"	✓
Vukeel's Fee	22	"	10	✓
			63	14 10 ✓
			Rupees	163 4 6 ✓

By THE RESPONDENT.

In the District.				
In the Moonseiff's Court	23	"	10	✓
In the Judge's Court	57	"	4	✓
In this Court.			80	1 2 ✓
Stamp for Vukeelutnama	2	"	"	✓
Vukeel's Fee	22	"	10	✓
			24	" 10 ✓
			Rupees	104 2 " ✓



Cyrene
Acting Registrar

Cyrene
Sealer
The 11th August 1864