

In the High Court of Judicature, Bombay.

Thursday, the 4th day of August 1864.

SPECIAL APPEAL No. 272 of 1864.

Trishnaji and Trimbuk
Geshant Patil Shastri
of the Ahmednagar District
— (Original Plaintiffs)

Appellant &

versus

Janoo Wated Ramia
Mahar of the Ahmednagar
District — (Original Defendants)

Respondent

Rs. 7-4-00

The claim in the Original Suit was to recover possession
of a field.

In Appeal No. 338 of 1862 the Judge
of the District of Ahmednagar at Ahmednagar reversed
the Decree of the Mj of Yole 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) the
decision of the District Judge on the plea
of limitation is wrong, that (2) the Defendants'
claim to the land sought to be recovered by
the Appellants in this suit as cultivators

or tenant does not constitute *hinc pro-*
-prietor and is barred by a former decision
of the Collector between the same parties
and on the same subject; that (3) the
finding of the lower Court on the facts
of the execution of the Exhibits Nos 3 and 4
is contrary to the evidence; that (4) the
Court below has misinterpreted the
agreement No 4 Account Books and
the Receipt-Book No 28 signed by the
Defendant and omitted to consider
the effect of the admission of the Defendant
operating as an estoppel; that (5) the
Court below has failed to determine
the issue of fraud as to the genuineness
of the entry in the Survey Register the
onus probandi whereof lay on the
Defendant and that (6) the Lower
Court omitted to decide the question
as to the genuineness of the Collector's book
an extract from which was produced
by the Appellants in evidence and
was wrong in rejecting it as evidence
and the Appellants pray the decree of
the Court of Original jurisdiction
may be confirmed.

The Court confirm

The decree of the District
Judge with costs on the
Special Appellant.

~~Wm. W. W.~~
Wm. W. W.

MEMORANDUM OF COSTS incurred in Special Appeal No. 272.

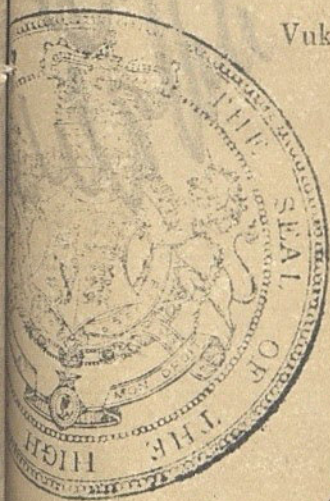
of 186 4 against the decision of the Judge of the
 District of *Simodongur* and disposed of on the 4th August 1864
 by *Confirming the same with Costs.*

BY THE APPELLANT

<i>In the District.</i>				
In the <i>Moonsiff's Court</i>	4	7	6	
In the <i>Judge's Court</i>	"	11	6	
				5 3 "
<i>In this Court.</i>				
Stamp for Memorandum of Special Appeal	1	"	"	
Stamps for copies of Decree and Judgment	2	"	"	
Stamp for Vukeelutnama	2	"	"	
Batta for Process and Postage	1	"	"	
Sectioner's Fee	1	1	3	
Vukeel's Fee	"	3	6	
				7 4 9
				Rupees.... 12 7 9

BY THE RESPONDENT.

<i>In the District.</i>				
In the <i>Moonsiff's Court</i>	2	5	6	
In the <i>Judge's Court</i>	2	11	6	
				5 1 "
<i>In this Court.</i>				
Stamp for Vukeelutnama	2	"	"	
Vukeel's Fee	"	3	6	
				2 3 6
				Rupees.... 7 4 6



Gyane
 Sealer

Gyane
 Acting Registrar

4th day of August 1864.