

In the High Court of Judicature, Bombay.

Thurs day, the 4th day of August 1864.

SPECIAL APPEAL No. 273 or 1864

Freshnaji and Trimbuk Yesh-
want Patil hoolkurni of the
Ahmednugur District

Appellants,

(Original Plaintiffs)

versus

Soorjia Wuled Dugdos Mahari of
the Ahmednugur District

Respondent,

(Original Defendant.)

Rs. 14-4-11

The claim in the Original Suit was to recover possession
of two fields.

In Appeal No. 333 of 1863 the *Quere*
of the District of Ahmednugger at Ahmednugger reversed
the Decree of the *Juffia* *Yoda* who had awarded the
claim and interest out.

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 Defendant's
claim

claim to the land sought to be recovered by the Appellants in this suit as cultivators or tenants does not constitute him proprietor and is barred by a former decision of the Collector between the same parties on the same subject that: (3) 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: (4) 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 that (5) 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
Lawrence Sapinday

MEMORANDUM OF COSTS incurred in Special Appeal No. 273.

of 1864 against the decision of the Judge ----- of the District of Ahmednagar and disposed of on the 4th August 1864 by confirming the same with Costs

BY THE APPELLANT

In the District.					
In the Moonsiffs Court	5	4	10	✓	
In the Judge's Court (including the fee)	"	14	10	✓	
In this Court.					6. 3 8. ✓
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	2	3	✓	
Vukeel's Fee	"	6	10	✓	
					7 9 5 ✓
				Rupees.....	13 12 9 ✓

BY THE RESPONDENT.

In the District.					
In the Moonsiffs Court	3	"	10	✓	
In the Judge's Court	2	14	10	✓	
In this Court.					5 15 8 ✓
Stamp for Vukeelutnama	2	"	"	✓	
Vukeel's Fee	"	6	10	✓	
					2 6 10 ✓
				Rupees.....	8 6 6 ✓



Ujwale
Sealer

K. J. J. J.
Ag. Registrar

4th day of August 1864