

1864

In the High Court of Judicature, Bombay.

Shews day, the 4th day of August 1864.

SPECIAL APPEAL No. 274 of 1864.

Krishnaji and Trimbuk yash
wunt Patil koolkurni of the
Ahmednugur District } Appellants

(Original Plaintiffs)

versus

Kaloo Mulud Daji Mahar of the
Ahmednugur District } Respondent

(Original Defendant)

Rs. 14-4-11

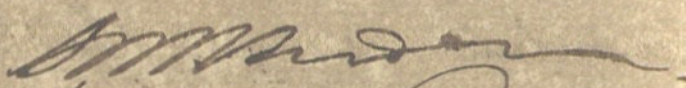
The claim in the Original Suit was to recover possession
of a field which had been rented
for the Dept.

In Appeal No. 340 of 1863 the
of the District of Ahmednugur at Ahmednugur reversed
the Decree of the ~~Provisional Judge~~ who had ~~also~~ ordered the
claim, and threw out the same
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

claim to the land sought to be recovered by the Appellants in this suit as cultivator or tenant does not constitute him proprietor 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 effect of Exhibits 24 and 25 is contrary to law and equity that (4) the court below has misinterpreted the agreement N^o 4 account books and the Receipt books N^o 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 books ^{and} 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 original jurisdiction ^{of the Court of} may be confirmed

The Court confirm the decree of the Dist Judge with costs on the Special Appellant.


Lawrence H. P. J.

MEMORANDUM OF COSTS incurred in Special Appeal No. 274

of 186 4 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 Mooniffs Court 4 10 10 ✓
 In the Judge's Court (including V. Fee) " 14 10 ✓

In this Court.

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 ✓

Rupees.... 5 9 8 ✓
 7 9 1 ✓
 13. 29. ✓

BY THE RESPONDENT.

In the District.

In the Mooniffs Court 3 " 10 ✓
 In the Judge's Court 2. 14 10 ✓

In this Court.

Stamp for Vukeelutnama 2 " " ✓
 Vukeel's Fee " 6 10 ✓

Rupees.... 5. 15 8 ✓
 2 6 10 ✓
 8 6 6 ✓



[Signature]
 Sealer

[Signature]
 Acting Registrar

The 4th day of August 1864