

In the High Court of Judicature, Bombay.

Thursday, the 2 day of Sept<sup>r</sup> 1864.

SPECIAL APPEAL No. 279 of 1864.

Rama Wulud Mookoonda Mahar  
of the Khandesh District

Appellant,

(Original Defendant.)

versus

Bhuwani and Devlia and Krishna  
Wulud Sutedia Mahar - Krishna a  
minor by his brothers and guardian  
Bhuwani and Devlia of the Khandesh  
District

Respondent,

(Original Plaintiffs)

Rs. 35- " - "

The claim in the Original Suit was to recover a share of a  
Mahar's remuneration.

In Appeal No. 84 of 1861 the District Judge at ~~Shindgaon~~ <sup>Shindgaon</sup> ~~reversed~~ <sup>reversed</sup> the Decree of the P.S.A. at ~~Shindgaon~~ <sup>Shindgaon</sup> who had thrown out the claim of ~~the~~ <sup>the</sup> ~~plaintiffs~~ <sup>plaintiffs</sup> decreed in favor of plaintiffs.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the District Judge is contrary to law in that the District Judge <sup>he</sup> has ~~misconstrued~~ <sup>misconstrued</sup>

the meaning of the words "as proprietor" as used  
in Regulation V of 1827 in holding that to acquire  
a title by prescription the original acquisition  
must be by right of inheritance or the like  
and that (2) the District Judge though find-  
ing substantially that a title by prescription  
had been acquired by appellant to the pro-  
perty in dispute, nevertheless awarded Res-  
pondent's claim

The court reversed the decree of the D.J.  
of remand the suit in order that the  
D.J. may clearly decide on his own  
view of the evidence of without  
reference to the previous findings  
of the Judge in the Zillah Court,  
whether the deft. Ramu has esta-  
- blished his possession as proprietor  
for more than 30 years; the D.J. holding  
notice that the deft. Ramu is not  
bound to prove that he acquired  
possession originally as a sharer in  
the court, in order to establish  
his title by prescription to the suola-  
- rents which he claims. Costs to follow  
the final decision.

McIntosh Forbes.

A. S. Madan



Issued a Certificate on Her  
Majestys Treasury Bank of Bombay for the  
refund of Rupees four (4) being the value of  
Stamp used for Special appeal in this case.

Dated the 2<sup>nd</sup> day of September 1864

G. A. Smith  
For acting Registrar

Certificate delivered to Registrar

15

*[Faint, illegible handwritten text at the bottom of the page]*