

In the High Court of Judicature, Bombay.

Two day, the *12* day of *Apr* 1864.

SPECIAL APPEAL No. *28* — of 1864.

Abu Wulud Kandaji Suwt.
-pal of the Ahmednagar
District — (Original Defendant)

Appellant,

versus

Shivaji Bhaskar Desb.
-pande of the Ahmednagar
-gur District (Original Plaintiff)

Respondent,

Rs. *16-10-6-*

The claim in the Original Suit was to *recover possession of*
a field alleged to have been lost for culti-
vation by the ~~off~~ to the dept and improperly
retained by the ~~off~~
In Appeal No. *188* of 1863 the *Judge*
of the District of *Ahmednagar* *Consigned*
the Decree of the *off at Pimpri* who *had decreed for the*
claim

A Special Appeal was preferred in the High Court on the grounds that (1) *a sub-*
stantial error in law in the investigu-
-tion of the case has been made which
has produced error in the decision of
the

The case on its merits in that the Judge having held that the Appellant is in possession of the land in question for upwards of 30 years was in error in requiring him to prove his title, that (2) the ^{District} Judge was in error in presuming against the Appellants title to the land in question on the ground that he has failed to produce the receipt & book, and satisfied the court that he paid the Government assessment & whereas it was for the Respondent to prove that he had paid the assessment or had ever exercised any proprietary title; and that (3) the claim is barred by the law of limitation.

The Court confirms the decree of the Court below with costs

Attested & Signed
R Couch

Bill of Costs

By the Appellant

In the District

In the Moonieff's Court (including % Fee)	4.11.11	
In Judge's Court (including % Fee)	3.5.11	8.1.10

In this Court

Stamp for memo. of special app ^l	2	"
Stamps for Copies of decree & judgment	3	"
Stamp for Vukabatwama	2	"
Costs for Process and Postage	1	1
Solicitors Fee	"	15.3
Vukceel's Fee	"	7.11. 9.8.2
		<u>Rupees 17.10.11</u>

Pay

By the Respondent
In the District

In the Moonisiff's Court _____ 8.6.11

In the Judge's Court _____ " " 8.6.11

In this Court

_____ " "
Rupees 8.6.11



R. West
Registrar

R. West
sealer

The 12th day of April 1864.