

In the High Court of Judicature, Bombay.

Monday, the 15<sup>th</sup> day of August 1864.

SPECIAL APPEAL No. 287 of 1864.

Goolam Hoosain wulud Muhamud Ali of the Putnagiri Division of the Konkan District.

Appellant,

(Original Defendant.)

versus

Muhamud Jaffer wulud Shaikh Ebhram Banghee, deceased, his heir and wife Jumanbibi and Goolamsahab wulud Shaikh Muhamud Dabhalkur and Amiroodin Wulud Goolam Hoosain Papuray and Abdool Gaffoor wd Muhamud Esakh Dabhalkur and Dadoo Mirza wulud Shaikh Esmal of the Putnagiri Division of the Konkan District (Original Plaintiffs.)

Respondents,

Rs. 25-0-0

The claim in the Original Suit was to determine the right of the Plaintiff in the occupation and enjoyment of a piece of ground.

In Appeal No. 116 of 1864 the Sen. Assis. Judge of the District of Putnagiri affirmed the Decree of the Dist. Judge who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) there has been a substantial error in law in the investigation of the case which has produced error in the decision of the case upon its merits in that

the Senior Assistant Judge was in error in attaching a certain degree of weight to the decree No 24 which was not passed between the parties to the suit and further the Senior Assistant Judge has failed to decide the material question vizt whether the land in dispute was the common property of the Mahomedan community.

The Court confirms the decree of the Senior Assistant Judge with costs on the Special Appellant.

H. H. Pickers,  
S. M. M.

MEMORANDUM OF COSTS incurred in Special Appeal No. 287.

of 1864. against the decision of the Senior *Afs. Judge* of the District of the *Ponkain* and disposed of on the 15<sup>th</sup> August 1864 by *Confirming the same with costs.*

BY THE APPELLANT—

In the District.			
In the <i>Moonseff's Courts</i> .....	16	12	6
In the <i>Senior Afs. Judge's Courts</i> .....	4	9	6
			21. 6 "
In this Court.			
Stamp for Memorandum of Special Appeal .....	2	"	5
Stamps for copies of Decree and Judgment .....	3	"	1
Stamp for Vukeelutnama .....	2	"	"
Batta for Process and Postage .....	2	3	"
Sectioner's Fee .....	2	"	6
Vukeel's Fee .....	"	12	"
			11. 15 6
		Rupees....	33. 5 6

BY THE RESPONDENT.

In the District.			
In the <i>Moonseff's Courts</i> .....	7	15	"
In the <i>Senior Afs. Judge's Courts</i> .....	2	8	"
			10 7 "
In this Court.			
Stamp for Vukeelutnama .....	2	"	1
Vukeel's Fee .....	"	12	"
			2 12 "
		Rupees....	13. 3 "



*Chune*  
Sealer

*Chune*  
Acting Registrar

*The 15<sup>th</sup> Aug of August 1864.*