

In the High Court of Judicature, Bombay.

Monday, the 8th day of August - 1864.

SPECIAL APPEAL No. 292 of 1864

Yadav Sundar
Koolkarni of the Ahmednugur District (Original Plaintiff) } Appellant,

versus

Krishnambhat bin
Bhatambhat and Heshu
- bhat bin Rambhat of the
Ahmednugur District (Original Defendants) } Respondent,

Rs. 507-14-1

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

In Appeal No. 314 of 1861 the Judge of the District of Ahmednuggar at Ahmednuggar confirmed the Decree of the Juff of Pimpri who held for and out the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) substantial errors in law in the investigation of the case have been made which have produced errors in the decision of the case on its merits in

in that it having been held that the deed of sale was written and signed by a third person for Jyabacc at her request and it was delivered by her to the Appellant the ^{District} Judge was in error in declaring it invalid or rather its valid execution not proved on the ground that her mark is wanting upon it; that (2) the District Judge was in error in holding that possession is necessary for the validity of a deed of sale; and that (3) the parties to the suit not being at issue as regards Jyabacc's right to transfer the land in question and also as regards to the nature of its tenure the District Judge was in error in holding that the Appellant has not shown that it is a Miras land or Jyabacc was competent to sell it

The Court holds that the Judge in this case having found proof of complete execution of Jyabacc's deed of sale (including its delivery) with the sole exception of proof that she did ~~not~~ with her own hand make the mark purporting on

the face of the deed to be hers -
Reverse the Decree of the Judge
& Remand the case for a
decision on the merits -

Costs to abide the final
result.

Joseph Arnold

A. C. C. M.

A. M. Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 292

of 1864 against the decision of the Judge _____ of the District of *Shivamogga* and disposed of on the 8th August 1864 by *remanding the same for retrial.*

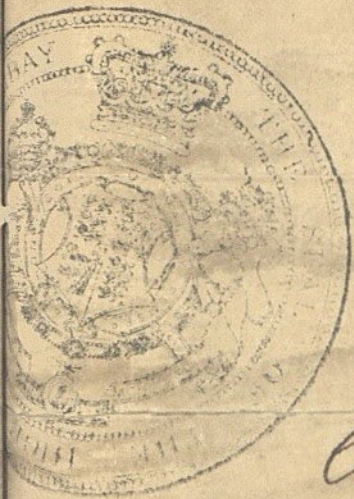
IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	4	0	0		
Stamp for Vukeelutnama	2	0	0		
Batta for Process and Postage	3	3	0		
Sectioner's Fee	1	11	6		
Vukeel's Fee one-fourth	3	12	11		
				14	11 5
				Rupees	14 11 5

BY THE RESPONDENT

Stamp for Vukeelutnama	2	0	0		
Vukeel's Fee one-fourth	3	12	11		
				5	12 11
				Rupees	5 12 11



E. J. M. M.
Acting Registrar
E. J. M. M.
Sealer

The 8th day of August 1864.

I send a certificate on Her Majesty's
Treasury Bank of Bombay for the refund
of Rupees (32) thirty two being the value
of the Stamp used for Special appeal
in this case.

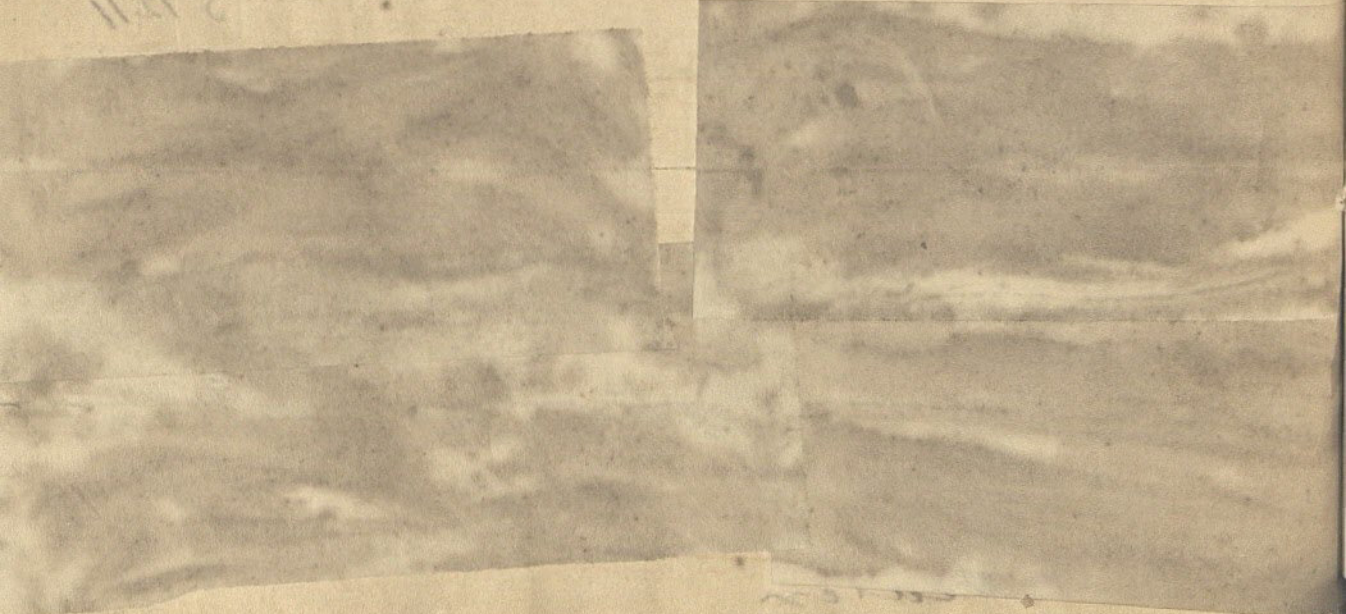
8th August 1864

C. M. M.

Acting Registrar

21/8/64

C. M. M.



18. 2nd of August 1864