

In the High Court of Judicature, Bombay.

Monday, the 12th day of November 1864.

SPECIAL APPEAL No. 296 of 1864.

D^{ns}
Dyeshwar Martund of the
Solapoor District

Appellant

(Original Plaintiff)

versus

Govinda bin Ghatu Mahor
and Soobhana wulud Maha-
-du Mahor of the Solapoor
District

Respondents.

(Original Defendants)

Rs. 150 - - - -

The claim in the Original Suit was to *recover principal and
interest due on a mortgage bond*

In Appeal No. 193 of 1862 the *Judge*
of the District of *Solapoor* at *Solapoor* *reversed*
the Decree of the *Magistrate* who *had decreed for Plaintiff*
if rejected the claim against Soobhana -

A Special Appeal was preferred in the High Court on the grounds that (1)
there have been errors in Law in the in-
-vestigation of the case which have pro-
-duced substantial errors in the decision
of

of the case on its merits in that the Lower Court has not raised the proper issues which were.

(a) Whether the field was mortgaged by Govinda to Dnyaneshwar and whether he was competent to do so.

(b) And if the field were properly mortgaged, whether Govinda's subsequent razinama in favor of Subhanna could affect the claim of Dnyaneshwar (the Appellant) as a prior mortgagee.

The Court affirms the decree of the Judge in so far as it amends the decree of the Munsiff, and confirms the decree of the Munsiff.

Cats on Special Respondent

Joseph Amold

Abraham Forbes

A. W. M. S.

MEMORANDUM OF COSTS incurred in Special Appeal No. 296

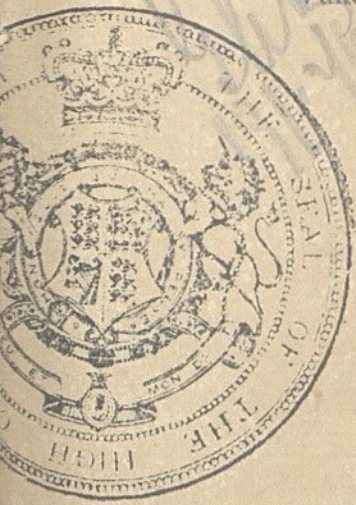
of 1864 against the decision of the Judge - - - - of the District of Sholapoor and disposed of on the 14th Nov^r 1864 by altering the decree of the Judge & confirming the ~~decree of the moonseiff~~ ~~decree with costs~~

BY THE APPELLANT—

In the District.			
In the moonseiff's court	28	12	3 ✓
In the Judge's court (including v. fee)	5	"	" ✓
			28.12.3 ✓
In this Court.			
Stamp for Memorandum of Special Appeal	8	"	" ✓
Stamps for copies of Decree and Judgment	3	"	" ✓
Stamp for Vukeelutnama	2	"	" ✓
Batta for Process and Postage	2	4	" ✓
Sectioner's Fee	1	2	7 ✓
Vukeel's Fee	4	8	" ✓
			20 14 7 ✓
		Rupees	49 10 10 ✓

BY THE RESPONDENT

In the District.			
In the moonseiff's court	6	"	" ✓
In the Judge's court	17	2	9 ✓
			23 2 9 ✓
In this Court.			
Stamp for Vukeelutnama	"	"	"
Vukeel's Fee	"	"	"
			" " "
		Rupees	23 2 9 ✓



For Sealer
 The 14th day of November 1864
 J. P. Registrar