

a registered one

(b) An erroneous construction has been put upon the wording of Act ~~IX~~ of 1843.

(c) Assuming the mortgage of the opposite party to have been superior to the Appellants' decree such as would meet both times has not been passed --

The Court does not concur with the J. Judge in the interpretation which he has put upon the words "shall be satisfied" used in Act 19 of 1843. If it considers that treating the Deft. Decree as a mortgage, ^{which the Judge has done,} & this no such allegation has been made in deft's written answer, the Plaintiff being owing to priority of registration would be entitled under the terms of the deed to have possession of the lands mortgaged in preference to the Deft. Decree.

The Court, therefore, reverses that portion of the J. Judge's decree which declares Deft. Decree to be entitled to retain possession of the land in dispute, & awards delivery of the said land to Plaintiff. D^t Decree to pay all costs in this Spl. Appeal.

Attest at Fort St. George,
11th July 1843

MEMORANDUM OF COSTS incurred in Special Appeal No. 298

of 1864 against the decision of the Assistant Judge of the District of the *hookun* and disposed of on the 16th March by amending the same.

BY THE APPELLANT—

IN THE DISTRICT.

In the <i>Mousiff's Court</i>	51. 16. 8		
In the <i>Judge's Court</i>	22. 11. 6		

74. 10. 2

IN THIS COURT.

Stamp for Memorandum of Special Appeal	4		
Stamps for copies of Decree and Judgment	4 8 ..		
Stamp for Vukalutnama	2		
Stamp of an application to enter the name of the Appellant's heir		
Batta for Process and Postage	1 1 ..		
Sectioner's Fee	3 7 ..		
Vukeel's Fee	1 12. 10	16 12. 10	

16 12. 10

BY THE RESPONDENT—

Rupees.... 91. 7 ..

IN THE DISTRICT.

In the <i>Mousiff's Court</i>	60. 1. 7		
In the <i>Judge's Court</i>	19. 5. 6		

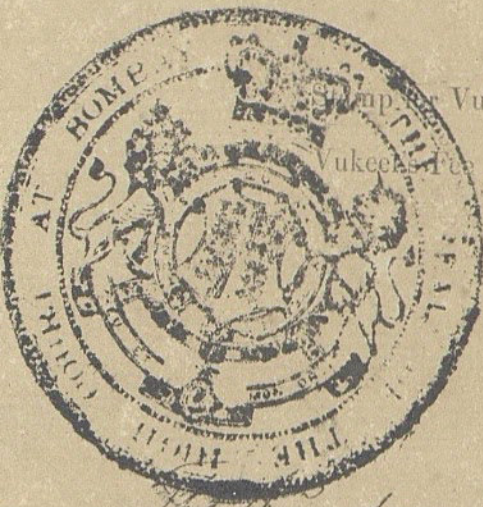
79. 7. 1

IN THIS COURT.

Stamp for Vukalutnama	2		
Vukeel's Fee	1 12. 10	3 12. 10	

3 12. 10

Rupees.... 83. 3. 11



W. J. J. J.
 16th day of March 1865

W. J. J. J.
 Registrar