

In the High Court of Judicature, Bombay.

Wednesday, the 31 day of August 1864.

SPECIAL APPEAL No. 299 of 1864.

Ramji bin Tookaram Thole
Mali of the Poona District

Appellant

(Original Plaintiff)

versus

Chinto Sukharam, deceased
his sons and heirs Vishnoo and
Mahadev Suptrooshi of the
Poona District

Respondents.

(Original Defendants)

Rs. 300 - " - "

The claim in the Original Suit was to recover possession of two pieces of Miras land which were mortgaged by the father of Chinto.

In Appeal No. 1060 of 1862 the Judge of the District of Poona at Poona affirmed the Decree of the Siff of Poona who had thrown out the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the District Judge is contrary to law in that

(a) The sale of ancestral property by
a

a Hindu father without the consent of his son has been upheld.

(b) The fact of the son having become party to a previous mortgage by the father, does not dispense with the necessity of consent to the total alienation of the property.

And That a substantial error in law has occurred in the investigation of the case which has produced error in the decision of the case upon the merits in that

(a) The whole of the evidence tendered ^{by} the appellant was not received.

The Court reverses the Decree of the District Judge, and directs him to determine the following points

1. How much is due by Ranjee to Chinto on the foot of the Mortgage Bond?

2. How much, if anything, is due from Ranjee to Chinto in respect of money proved by the latter to have been laid out by him in the improvement & repair of the mortgaged premises

Since the 4th Jan^y 1857

a new decree to be passed on the merits
is to follow the final decision.

Joseph Amund
Clerk
Chyrene acty Resp
Hind New York

MEMORANDUM OF COSTS incurred in Special Appeal No. 299.

of 186 4 against the decision of the Judge of the District of Poona - and disposed of on the 31st August 1864 by affirming the same with for relief.

IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	3	
Stamp for Vukeelutnama	2	
Batta for Process and Postage	1	9	..	
Sectioner's Fee	"	13	6	
Vukeel's Fee one-fourth	2	4	"	
				9 10 6
				Rupees ... 9 10 6

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	
Vukeel's Fee one-fourth	2	4	"	
				4 4 "
				Rupees ... 4 4 "



Must

For Acting Registrar

For Sealer

The 31st day of August 1864.

Issued a certificate on Her
Majesty's Treasury Bank of Bombay
~~the sum~~ for the refund of Rupees
(16-0-0) sixteen being the value
of stamp used for special appeal
in this case -

[Signature]

For Acting Registrar

Certificate of Refund

[Signature]

[Signature]

[Signature]