

In the High Court of Judicature, Bombay.

Thursday day, the 11th day of August 1864.

SPECIAL APPEAL No. 304 of 1864.

Pandooji Wuled Vitaji, -
and Raoji Wuled Mahadji
Pachle, of the Ahmednugur
District - (Original Defendants)

Appellants,

versus

Jutwaji Wuled Mhesaji
Patil Pachle of the Ah-
mednugur District -
Original Plaintiff

Respondent,

Rs. - 1 - 7 - 0 -

The claim in the Original Suit was to recover possession of certain land alleged to have been leased to Jeff of Govt.

In Appeal No. 284 of 1863 the Judge of the District of Ahmednugur at Ahmednugur reversed the Decree of the Siff of Ahmednugur who had thrown out the claim, and awarded the same with costs.

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 an error in the decision of the case on its merits in that

that the land in dispute having been admitted by the Respondent to be Gov. property and the Government itself not having deprived the appellants of their management the appellants & Court should not have entertained the claim of the Respondent against the appellants in as much as Government being the proprietor of all lands, the claim ought to have been brought against it. (Government) and that (2) it was an error to have allowed the claim since a (new) entry of the land in the name of the Respondent does in no way affect (literally annual) the right of management, which belongs to the appellants.

The Court find that the following material is in issue in this case which has not been determined

Have the Depts established that at the time the land was first assessed and assigned by the Collector to Puff. they possessed a right of occupation which under Reg. XVII of 1827 Sect. 7 would prevent the disposal.

of the land by the Collector
to an other person, as
long as they were witting to
pay the assessment.

The Court reverse the
decree of the Dist. Judge &
remand the suit that this
issue may be decided and
a new decree passed on the
merits apportioning costs.

Atty. Genl.

Alexander D. Spotswood

Handwritten notes at the top of the page, including "Bank of Bombay for the purpose of..." and "one (1) being the value of the stamp..."

MEMORANDUM OF COSTS incurred in Special Appeal No. 304

of 1864 against the decision of the judge of the District of Ahmednagar and disposed of on the 11th August 1864 by remanding the case for retrial -

IN THIS COURT.

BY THE APPELLANT

Stamps for copies of Decree and Judgment	3	00	✓
Stamp for Vukeelutnama	2	00	✓
Batta for Process and Postage	4	15	✓
Sectioner's Fee	1	8	✓
Vukeel's Fee one-fourth	"	"	✓
			7 7
			Rupees
			7 7

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	00	✓
Vukeel's Fee one-fourth	"	"	✓
			2 00
			Rupees
			2 00



Chyume
Sealer

Chyume
Acting Registrar

11th day of August 1864.

Spurd a Certificate on Her Majesty's Treasury
Bank of Bombay for the refund of Rupees
one (1) being the value of the stamp used
for Special appeal in this case.

11th August 1864

Yours
Acting Registrar

Certificate sent 1608

~~2/2~~
9000

Acting Registrar

Acting Registrar