

In the High Court of Judicature, Bombay.

Thursday, the 11th day of August 1864.

SPECIAL APPEAL No. 306 of 1864.

Deoji Virjilal of the Konkan District } Appellant
(Original Plaintiff)

versus

Lakshmun bin Ganaji and
Raghoji bin Kosaji and Lakshmun
bin Govind of the Konkan District } Respondents
(Original Defendants.)

Rs. 54 — " — "

The claim in the Original Suit was to recover on a mortgage bond.

In Appeal No. 295 of 1863 the Assist. Judge of the District of Taluk Kurn at Thambal reversed the Decree of the Juff. of Malwad who had awarded the claim and then it out with costs.

A Special Appeal was preferred in the High Court on the grounds that (1) that the decision of the Assistant Judge is contrary to law in that the Assistant Judge has given preference to unregistered mortgage deeds over the appellants' registered one

one (2) that there has been a substantial error in law in the procedure of the case and which has produced error in the decision of the case on its merits in that the Assistant Judge reversed the whole of the Moonsiff's decree made against the Respondents, one of whom admitted the appellants' claim.

The Court reverses the Decree of the Assistant Judge and confirms the Decree of the Moonsiff with costs on Special Respondent.

Joseph Arnold
H. Clerk.

A. M. Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 306.

of 186 4 against the decision of the *Assistant Judge* of the District of *the Frankun* and disposed of on the *11th August 1864* by reversing the decree of the *Ass^{ts} Judge* & confirming that of the *Moonsiff* with Costs

BY THE APPELLANT—

In the District.

In the <i>Moonsiff's Court</i>	9 5 11	✓	
In the <i>Assistant Judge's Court</i>	2 9 11	✓	
			11 15 10 ✓

In this Court.

Stamp for Memorandum of Special Appeal	4 "	✓	
Stamps for copies of Decree and Judgment	3 "	✓	
Stamp for Vukeelutnama	2 "	✓	
Batta for Process and Postage	1 15 "	✓	
Sectioner's Fee	1 5 "	✓	
Vukeel's Fee	1 9 11	✓	
			13 13 11 ✓
Rupees.....			25 13 9 ✓

BY THE RESPONDENT

In the District.

In the <i>Moonsiff's Court</i>	14 7 11	✓	
In the <i>Assistant Judge's Court</i>	7 9 11	✓	
			22 1 10 ✓

In this Court.

Stamp for Vukeelutnama	2 "	✓	
Vukeel's Fee	1 9 11	✓	
			3 9 11 ✓
Rupees.....			25 11 9 ✓



C. J. S. S. S.
Sealer

C. J. S. S. S.
Acting Registrar

11th day of August 1864.