

In the High Court of Judicature, Bombay.

Fri day, the 12th day of August 1864

SPECIAL APPEAL No. 309 of 1864.

Moro Mahadeo Kantay
deceased his son and
heir Ramkrishna of the
Konkan District

Appellant,

(Original Plaintiff)

versus

Balajirao and Sande-
jirao his Sonjirao
of the Konkan District

Respondent,

(Original Defendants)

Rs. 581-7-9-

The claim in the Original Suit was to obtain possession
of half a share of a Khotu village.

In Appeal No. 177 of 1863 the Assistant Judge
of the District of Ronkan at Thannah confirmed
the Decree of the Judge of Malad who had thrown out
the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the
decision of the Assistant Judge is con-
trary to Law, in that he has erroneously
applied Act XXVII of 1860 to the
case

case of a Plaintiff suing to recover im-
-moveable property, that (2) the Assistant
Judge erred in not deciding Appellants
right, or otherwise to succeed to the de-
-ceased Moresons in this action with-
-out referring him to another action;
and that (3) the Assistant Judge when
he found Defendants defenced a fraud-
-ulent one, should have under the
-circumstances awarded for appellants-

The Court holding that the Judge
has erred in Law in ^{ruling} holding that
a certificate under Act XXVII of 1860
was necessary to entitle the
Plaintiff to sue in this case,
reverse the Decree & Remand
the case for a decision on
the merits. Costs to follow
the final decision.

Joseph Arnold
H. Newton.

MEMORANDUM OF COSTS incurred in Special Appeal No. 309.

of 1864 against the decision of the *Assistant Judge* of the District of *Trichinopoly* and disposed of on the 12th August 1864 by *remanding the same for retrial*

IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	3	"	"	✓			
Stamp for Vukeelutnama	2	"	"	✓			
Batta for Process and Postage	3	1	"	✓			
Sectioner's Fee	"	12	6	✓			
Vukeel's Fee one-fourth	4	5	9	✓	13	3	3
					Rupees ...	13	3 3

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	"	"	✓			
Vukeel's Fee one-fourth	4	5	9	✓			
						6	5 9
					Rupees....	6	5 9



U. M. S.
U. M. S.
 Acting Registrar

12th day of August 1864

I find a Certificate on the Treasury
of the Collector of Samoa for the refund
of Rupees thirty two (32) being value
of the Stamp used for Special appeal
in this case.

12th August 1864

Cyrene
Acting Registrar

Certificate sent to

Registrar

sd
A.P.B.

sd
A.P.B.

Acting Registrar

Registrar