

In the High Court of Judicature, Bombay.

Friday, the 26 day of August 1864

SPECIAL APPEAL No. 312 of 1864.

Mhindoo Bin Waghoji Oomarp of the Poona District

Appellant,

(Original Plaintiff)

versus

Shivram and Baloo bin Terji and Gunoo and Baloo and Dewarkoo bin Sun taje of the Poona District

Respondent,

(Original Defendant)

Rs. 49 - - - -

The claim in the Original Suit was to recover possession of ~~lands~~ <sup>lands</sup> ~~lands~~ <sup>lands</sup> a ~~house~~ <sup>house</sup> of a piece of waste land

In Appeal No. 937 of 1862 the District Judge of Poona at Poona awarded the claim of Mhindoo Bin Waghoji Oomarp as far as respects the portion of the claim awarded to Mhindoo & Laccaram such portion of property as is actually in the possession of Laccaram.

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 he has admitted illegal evidence to invalidate appellants claim that (2) the District Judge

Judge erred in requiring appellant to prove his descent from Tanaji that (3) the District Judge has not awarded in appellants favor as claimed appellant and Respondents being proved to be descended from one common ancestor and to be entitled to equal shares that there has been a substantial error in law <sup>in the</sup> investigation of the case which has produced error in the decision of the case upon its merits that (4) the onus of proof has been thrown on the wrong party vizt Appellant it being for Respondents who were original Defendants to prove prescription as pleaded

The Court will reverse the decree of the D. J. with costs on App. left.

Winlock Forbes.

J.P. P. P.

MEMORANDUM OF COSTS incurred in Special Appeal No. 312

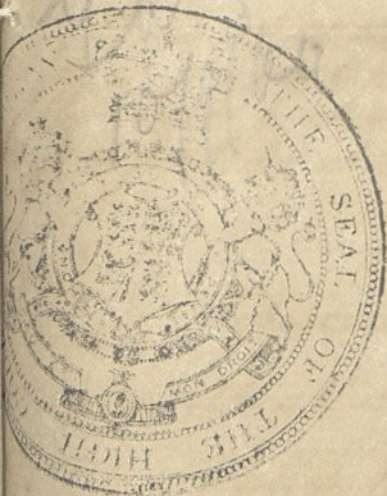
of 186 4 against the decision of the Judge of the District of Poona and disposed of on the 26<sup>th</sup> Augt 1864 by Confirming the same with costs

BY THE APPELLANT—

In the District.			
In the Moonceff's Court	23	4	6
In the Judge's Court	8	13	6
			32 2 "
In this Court.			
Stamp for Memorandum of Special Appeal	4	"	"
Stamps for copies of Decree and Judgment	1	8	"
Stamp for Vukeelutnama <sup>two</sup>	4	"	"
Batta for Process and Postage	2	15	"
Sectioner's Fee	1	55	"
Vukeel's Fee	1	76	"
			15 3 "
Rupees....			47 5 "

BY THE RESPONDENT

In the District.			
In the Moonceff's Court	11	13	6
In the Judge's Court	15	"	"
			26 14 5
In this Court.			
Stamp for Vukeelutnama	2	"	"
Vukeel's Fee	1	76	"
			3 7 6
Rupees....			30 5 "



Yune

Sealer

Yune  
Acting Registrar

The 26<sup>th</sup> day of August 1864.