

In the High Court of Judicature, Bombay.

Monday, the 19th day of June 1865.

SPECIAL APPEAL No. 313 - OF 1864.

Himachul Prasad bin
Shilad Patuk of the Poona District

APPELLANT,

(Original Plaintiff.)

versus

Abdoola wulud Rukhman
- Khan Witer now residing
at Dhurwar

RESPONDENT.

(Original Defendant.)

Rs. 214-12-"

The claim in the Original Suit was to recover the balance principal and int^l on a Khunt executed by Deft.

In Appeal No. 157 of 1863 the Judge of the District of Poona at Poona amended the Decree of the P. S. Munsif who had awarded Rs. 227 by reducing the amount to Rs. 350.

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 the Respondent

Respondent being not a Hindoo is not to be governed by that provision of the Hindoo Law (which disallows interest to more than) double the amount of the principal. The Appellate Court was therefore in error in applying the provision in question to the present case; that (2) the Appellant should have been decreed a sum twice as much as he was entitled to, after the expiration of the stipulated period; and that (3) it was an error to have disallowed interest according to the terms of the bond.

The Court reverses the decree of the District Judge; and conforms that of the Privy Council.

Costs on Special Respondent.

J. Philock Forbes.

A. Newton.

MEMORANDUM OF COSTS incurred in Special Appeal No. 313

of 1864 against the decision of the Judge of the District of Poona and disposed of on the 19th June 1865 by reversing the same

BY THE APPELLANT—

IN THE DISTRICT.

In the P. Sudr Amicus court.	49.10	"	✓
In the Judges court	14.14.6		
			64.8.6 ✓

IN THIS COURT.

Stamp for Memorandum of Special Appeal	16	"	"	✓
Stamps for copies of Decree and Judgment	3.	"	"	✓
Stamp for Vukalutnama	2.	"	"	✓
Stamp of an application to enter the name of the Appellant's heir	"	"	"	
Batta for Process and Postage	2.	2.		✓
Sectioner's Fee	"	10.	6	✓
Vukeel's Fee	6.	7.	1.	30 3. 7. ✓

Rupees.... 94 12 1 ✓

BY THE RESPONDENT—

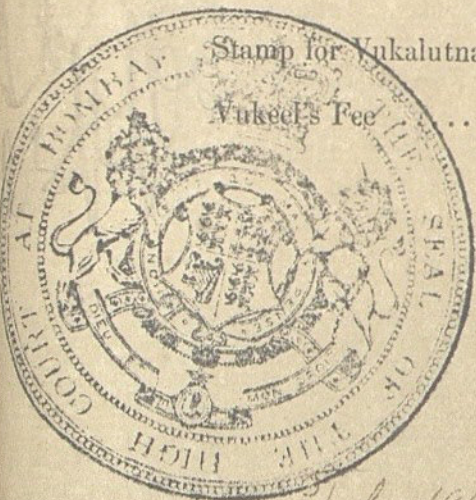
IN THE DISTRICT.

In the Principal Sudr Amicus Court	8	8	11	
In the Judges court	5.	4.	"	
				13 12 11. ✓

IN THIS COURT.

Stamp for Vukalutnama	2.	"	"	
Vukeel's Fee	6.	7.	1.	8. 7. 1. ✓

Rupees.... 22 4 " ✓



W. J. B. B. Registrar
 The 19th day of June 1865