

Koran

In the High Court of Judicature, Bombay.

Thursday, the 18th day of August 1864.

SPECIAL APPEAL No. 321 of 1864

Dada Bin Kalya Mhatra of the
Konkan District

Appellant,

(Original Defendant)

versus

Bhao Hoolya Mhatra of the Konkan
District

Respondent,

(Original Plaintiff)

Rs. 6-0-0

The claim in the Original Suit was to recover three fields
alleged to have been sold to Dey by
Dey.

In Appeal No. 208 of 1863 the Assist. Judge
of the District of Konkan at Tannah confirmed
the Decree of the Juff of Bhoisadre who had awarded the
claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the
decision of the Assistant Judge is contrary to usage &
having the force of law, in that a sonless widow cannot
after the death of her husband set aside any disposal
of

of the immovable property, made by her husband
(in his life time) and therefore the decision of the
Appellate Court in upholding the sale of property
made by her is contrary to the shastras— she
having had no authority to do it. that (2) the
Respondent not having urged that the deceased
Nagoji held the management of some other pro-
perty besides that in dispute, the Appellate
Court decided contrary to the ruling in
(Special Appeal) No. 2550 in holding in
the absence of any objection to that effect on
the part of the opposite party that the
property made mention of ^{by Nagoji} in Exhibit No.
33 did not constitute a part of (the property of)
Mhad Matra and that (3) 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
no point like the following was laid down for
consideration "Mhad Matra being the grandfather
of the Appellant, what lands did he possess?"
which was an error

The Court confirms the
decreed of the Assistant Judge
with costs on the Special
Appellant.

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