

In the High Court of Judicature, Bombay.

Monday, the 22nd day of August - 1864.

SPECIAL APPEAL No. 371 of 1864

Rughoonath Dhakeshwar
Kafude of the Rutnagiri Division of the Konkan District
_____ (Original Defendant) } Appellant

versus

Rughoonath Sudashiv Kane
of the Rutnagiri Division of the Konkan District
_____ (Original Plaintiff) } Respondent

Rs. 60 — " — " —

The claim in the Original Suit was to recover possession of a slip of land which the Plff alleged belonged to his father and had wrongfully taken possession of by Chafay.

In Appeal No. 3 — of 1864 the Senior asst. Judf. — of the District of the Konkan — at Tan Rutnagiri affirmed the Decree of the Jff of Hurul — who had decreed in favor of the Plaintiff —

A Special Appeal was preferred in the High Court on the grounds that (1) there have been errors in law in the investigation of the case which have produced substantial errors in the decision of the case on its merits
in

in that.

- (a) The Moonsiff having reported his inability to unravel the subject matter of the suit, upon the Commissioner's report and accompaniments, and the depositions of all the witnesses in the case except by a personal inspection of the ground in dispute and the lower Court having refused permission so to inspect the case should have been remanded to the Moonsiff for a further local investigation instead of which the finding of the Moonsiff upon what he could not properly understand has been upheld. ~~(b) the Pleas~~
^{the Pleas}
(b) preferred by the Commissioner and the Mambdar do not tally as held by the lower Court
(c) ~~lower Court~~ (c) the onus of proof has been improperly thrown on the Appellant.

The Court confirms the Decree of the Senior Asst. Judge with Costs on Special Appellant.

Joseph Arnold

J. M. W. M. W.

MEMORANDUM OF COSTS incurred in Special Appeal No. 371.

of 186 4 against the decision of the Senior J^{rs} Judge of the District of the Konkan and disposed of on the 22nd Augt. 1864 by Confirming the same with Costs.

BY THE APPELLANT—

In the District.			
In the Moonseiffi's Court (including the)	12	9	7
In the Senior J ^{rs} Judge's Court	9	14	10
In this Court.		22	8
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	3	"
Sectioner's Fee	"	13	"
Vukeel's Fee	1	12	10
		12	12
		35	5
		3	
Rupees....		35	5

BY THE RESPONDENT.

In the District.			
In the Moonseiffi's Court	23	"	10
In the Senior J ^{rs} Judge's Court	2	4	10
In this Court.		25	5
Stamp for Vukeelutnama	2	"	"
Vukeel's Fee	1	12	10
		3	12
		29	2
		6	
Rupees....		29	2



Yume
Acting Registrar

Yume

Sealer

The 22nd day of August 1864.