

In the High Court of Judicature, Bombay.

Fri day, the 19<sup>th</sup> day of August - 1864.

SPECIAL APPEAL No. 384 of 1864.

Krishnaji and Trimbuk  
Yeshwant Patil of the  
Ahmednagar District  
(Original Plaintiffs)

Appellants,

versus

Siva Shubud Durgdoo Ma-  
har of the Ahmednagar District  
(Original Defendant)

Respondent,

Rs. 23- 8- ..

The claim in the Original Suit was to recover possession of two fields registered Nos 51 and 52 in the records of the village of Porray comprising 27 acres and 28 chains. The annual rent of which is Rupees 23-8-4. From 2<sup>nd</sup> August 1861, Defendant has cultivated and will not vacate on demand.

In Appeal No. 342 of 1863 the ~~judg~~ -----  
of the District of Ahmednagar at Ahmednagar exercised with  
the Decree of the ~~Judg~~ of Yevla who had decreed in <sup>their</sup> favour of the  
~~Plaintiffs~~

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 the land in dispute being entered in the name of the Appellant as belonging to him by proprietary right and

and being only under the cultivation  
of the Respondent an action regarding  
proprietary title is not barred by the  
Statute of Limitation: that (2) the cause  
of action must be considered to have  
arisen from the time the cultivator ob-  
jected to giving up the land, and thus  
calculating the claim is in time, and  
therefore it ought not to have been rejected,  
that (3) there has been a substantial error  
in law in the investigation of the case  
which has produced error in the decision  
of the case upon its merits in that the  
land being entered in the Survey Re-  
gister in the Appellant, had according  
to the Joint Rules a right to recover pos-  
session of the land. Besides, the Res-  
pondent does not claim to be proprietor  
of the land, the claim therefore can-  
not under the Joint Rules be rejected.  
It was an error to have refused to re-  
ceive in evidence attested copies  
of extracts belonging to the Government  
record.

The Court confirms the  
Decree of the District Judge with costs  
Joseph Amundson  
Clerk.

MEMORANDUM OF COSTS incurred in Special Appeal No. 384

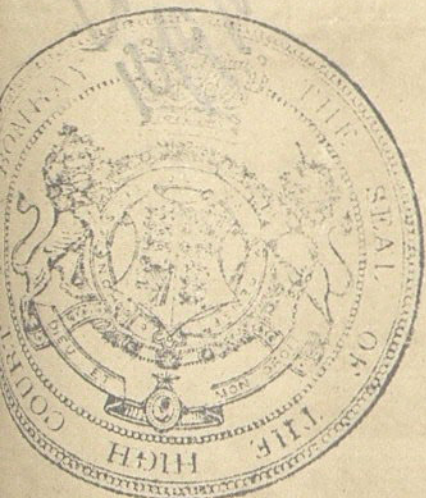
of 1864 against the decision of the Judge \_\_\_\_\_ of the District of Ahmednagar and disposed of on the 19<sup>th</sup> August 1864 by Confirming the same with Costs

BY THE APPELLANT

In the District.			
In the Moonjeff's Court	5	15	3 ✓
In the Judge's Court (including 0 7 1/2)	1	3	3 ✓
			7 2 6 ✓
In this Court.			
Stamp for Memorandum of Special Appeal	2	"	" ✓
Stamps for copies of Decree and Judgment	2	"	" ✓
Stamp for Vukeelutnama	2	"	" ✓
Batta for Process and Postage	1	2	" ✓
Sectioner's Fee	"	8	3 ✓
Vukeel's Fee	"	11	3 ✓
			8 5 6 ✓
		Rupees	15 8 4 ✓

BY THE RESPONDENT.

In the District.			
In the Moonjeff's Court	3	13	3 ✓
In the Judge's Court	4	3	3 ✓
			8 " 6 ✓
In this Court.			
Stamp for Vukeelutnama	2	"	" ✓
Vukeel's Fee	"	11	3 ✓
			2 11 3 ✓
		Rupees	10 11 9 ✓



*Chune*

sealer

The 19<sup>th</sup> day of August 1864

*Chune*  
Acting Registrar