

In the High Court of Judicature, Bombay.

Tuesday, the 19 day of August 1864.

SPECIAL APPEAL No. 386 OF 1864

Sudashiv Trimbuk, deceased,
his son and heir Gunesch of
the Konkun District

Appellant

(Original Defendant.)

versus

Lukohman bin Gopal -
Mhatra of the Konkun

Respondent

District

(Original Plaintiff.)

Rs. 8-2-00

The claim in the Original Suit was to *cancel an attachment laid on a field to be raised*.

In Appeal No. 223 of 1863 the *Assistant Judge* of the District of *the Hoallah* at *Lacnah* reversed with *costs* the Decree of the *Magistrate at Alibaug* who *had thrown out the claim of Decree for the Original Plaintiff*.

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 error in the decision of the case on its merits*

in that debt from the Appellant
having been contracted while the
Respondent and Bapoo the Appel-
lants' debtors, were members of an un-
divided family the Joint property
in dispute according to Hindoo Law
is liable for the liquidation of the
Said debt, and therefore it was an
error that the right of the Appellant
was not allowed and the claim of the
Respondent was awarded: that &c.
As the debt due to the Appellant
was incurred while Bapoo and
Lukshmun were members of an un-
divided family, and as the property
in dispute was not included in the
Settlement come to between the Res-
pondent Lukshuman and Bapoo
regarding the shares, it was for the
Respondent to show why the Said
Joint property should not be held
liable for (the liquidation of) the debt,
and

and it was an error that contrary
to the decision in Special Appeal
No. 39184 & 3960 the onus of proof
was thrown upon the appellant.

The Court confirms the decree
of the ~~of~~ with costs de spl. appt.

~~W. M. W.~~

Alexander Waples

MEMORANDUM OF COSTS incurred in Special Appeal No. 386.

of 1864 against the decision of the *Assistant Judge* of the District of the *Konkan* and disposed of on the 19th Aug^r 1864 by *confirming same with costs*

BY THE APPELLANT—

In the District.

In the <i>Moonsiff's Court</i>	7. 85	✓		
In the <i>Asst^t Judge's Court</i>	1 21	✓	8 114	✓

In this Court.

Stamp for Memorandum of Special Appeal	1 "	✓		
Stamps for copies of Decree and Judgment	3 "	✓		
Stamp for Vukeelutnama	2 "	✓		
Batta for Process and Postage	1 "	✓		
Sectioner's Fee	" 116	✓		
Vukeel's Fee	" 211	✓	7. 145	✓
Rupees....			16. 99	✓

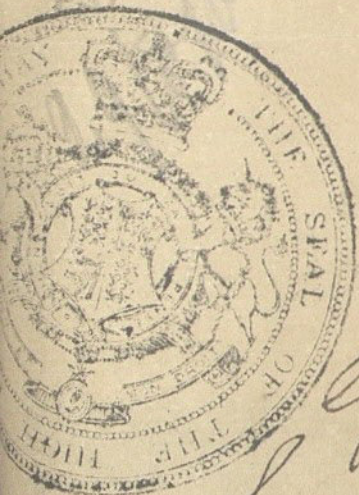
BY THE RESPONDENT.

In the District.

In the <i>Moonsiff's Court</i>	3. 211	✓		
In the <i>Asst^t Judge's Court</i>	3 "	✓	6. 310	✓

In this Court.

Stamp for Vukeelutnama	2. "	✓		
Vukeel's Fee	" 211	✓	2 211	✓
Rupees....			8 69	✓



J. G. Me
Sealer

J. G. Me
Acting Registrar

19 day of August 1864