

Satara

In the High Court of Judicature, Bombay.

Fri day, the 16<sup>th</sup> day of December 1864.

SPECIAL APPEAL No. 389 of 1864

Moolchund bin Fojaram  
Gajur of the Satara  
District (Original Plaintiff)

Appellant

versus

Bapas bin Dulochund  
Gajur and Suddo bin  
Sundoo Wani of the Satara  
District (Original Defendants)

Respondent

Rs. 140-0-0

The claim in the Original Suit was to recover possession of crop which had been let on lease, and an unpaid balance of rent.

In Appeal No. 382 of 1863 the Judge of the District of Satara at Panhala reversed the Decree of the Juff. of Nalgopdy who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the District Judge is con-  
-trary to law in that the stipulation  
in the rent-note No 2 being to receive  
Rabee

Papers 10 it did not require stamp in accordance with Section of Regulation XVIII of 1827 and also in accordance with the proclamation connected with the Satara territories. The claim therefore ought not to have been rejected for want of stamp vide No. that (2) the plea of stamp to the rent note was not raised by the Respondent the Court according to Section 350 of the Civil Procedure Code ought not to have raised this objection and reversed the decree of the Court of Original jurisdiction: that (3) the Respondent's plea that the property in dispute was leased to him by Bahiroo ought not to have been admitted before he was made a party to the suit to determine his right as required by Section 73 of the Civil Procedure Code. It was therefore an error to have admitted this plea of the Respondent and thrown out the Appellants' claim: and that (4) there has been ~~an~~ substantial error in law in the investigation of the case which has produced error in the decisions thereof

thereof upon its merits in that although  
exhibit No 2 was the document sued  
on, it was set aside and he who was  
no party to the suit and about whom  
there is no evidence in the case, on such  
a ground it was an error to have  
rejected the claim.

The Court conforms the decree of the District  
Judge.

Costs on Special Appellant.

Abner Cook Forbes

Att. Gen. Puckey,

MEMORANDUM OF COSTS incurred in Special Appeal No. 389

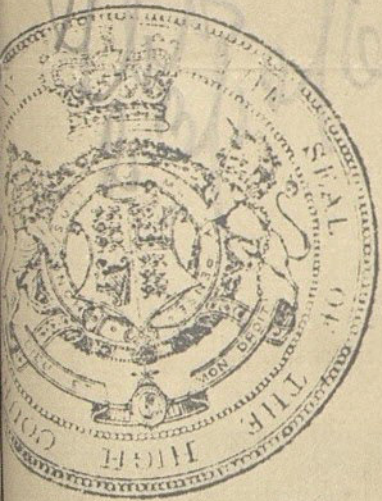
of 1864 against the decision of the Judge of the District of Satara and disposed of on the 16<sup>th</sup> Decr 1864 by confirming the same with costs

BY THE APPELLANT—

In the District.				
In the Moonsiff's Court	20	12	2	✓
In the Judge's Court	5	3	2	✓
				25 15 4 ✓
In this Court.				
Stamp for Memorandum of Special Appeal	8	"	"	✓
Stamps for copies of Decree and Judgment	3	"	"	✓
Stamp for Vukeelutnama	2	"	"	✓
Batta for Process and Postage	2	4	"	✓
Sectioner's Fee	1	4	"	✓
Vukeel's Fee	4	3	2	✓
				20 11 2 ✓
				Rupees.... 46 10 6 ✓

BY THE RESPONDENT. §

In the District.				
In the Moonsiff's Court	6	11	2	✓
In the Judge's Court	15	2	8	✓
				21 13 0 ✓
In this Court.				
Stamp for Vukeelutnama two	4	"	"	✓
Vukeel's Fee	4	3	2	✓
				8 3 2 ✓
				Rupees.... 30 1 " ✓



*R. West*  
*Deputy Registrar*  
 Sealer

The 16<sup>th</sup> day of December 1864.