

In the High Court of Judicature, Bombay.

*Friday* day, the *22* day of *April* 186*4*.

SPECIAL APPEAL No. *39* — OF 186*4*.

*Hari Venayat Burve of the  
Satara District*

Appellant

(Original Plaintiff)

versus

*Goursavunt bin Balsavunt  
deceased his sons and heirs —  
Bal and Gursavunt and Govind  
Vasooder Burve of the Ritha-  
giri Division of the Konkun District*

Respondent

(Original Defendants)

Rs. *3. — 7 — 8.*

The claim in the Original Suit was to *prove possession of  
a certain thikana alleged to have been leased  
to the deceased Goursavunt, and an account  
of rent for 6 years*

In Appeal No. *49* of 186*3* the *officer* of the District of *the Konkun* at *Rithagiri* confirmed the Decree of the *Jamin* who *had awarded one fourth of the land claimed*

A Special Appeal was preferred in the High Court on the grounds that *the decision  
of the ~~acting~~ Assistant Judge is opposed to law.  
That there has been a substantial error  
in law in the procedure of the case, and  
which*

which has produced error in the  
decision of the case on its merits in that  
a The Senior Assistant Judge did  
not frame proper issues. since he omitted  
to inquire whether the appellant had  
held possession of the disputed thikan  
for 30 years at the time when the  
Respondent Govind first gave Kabu-  
loyuts, and paid Government assess-  
ment i.e. 17 years ago. The Courts  
below have misconstrued the Sumud  
and other documents in holding  
that the Thikan is the common  
property of the family.

Compare the decree of the Court  
below with the costs.

Abinooch Forbes.

R. Couch

Bill of Costs

By the Appellant

In the District

In the Sudder Amra's Court ————— 5.14.5

D<sup>o</sup>. Senior App<sup>ts</sup> Judges Court ————— 2.11.8

8.10.1

Carried over ————— 8.10.1

In this Court Brought over Rs.	8.10.1
Stamp for memo. of Special App <sup>l</sup>	1 " "
Stamp for Copies of decree & judgment	3 " "
Stamp for Vukalutuanua	2 " "
Ballot for Process and Postage	1 24
Sectioner's Fee	" 15.6
Vukel's fee.	" 1.8. 8 32
	<u>Rupees 16.13.3</u>

By the Respondent  
In the District

In the Sudder Amem's Court <i>incl Vajudat fee</i>	3. 6.5
In Sudder App <sup>l</sup> Judge's Court	" 9.8
	4 " 1
In this Court	
Stamp for Vukalutuanua	2 " "
Vukel's fee.	" 1.8. 2. 1.8
	<u>Rupees 6.1.9</u>



*P. West*  
Sealer

*P. West*  
Registrar

The 22<sup>nd</sup> day of April 1864