

In the High Court of Judicature, Bombay.

Thursday, the 23rd day of February 1865.

SPECIAL APPEAL No. 392 of 1864

Krishnaji bin Ramji Patil ^{of} yeday
of the Poona District

Appellant,

(Original Defendant)

versus

Pira Wd Kernak and Bapoo Wd Balnak
and Kaloo Wd Surpnak & Chokhos wd
Lekshmun & Bhirji Wd Beluahirnak
and Soobhannak Wd Ramnak and
Mulhari Wd Jognak & Kaloo Wd Mut
nak and Vitoo Wd Soobhana & Bhawa
Waled Shuknak and Mukoonda Wd
Phirungnak Mahar Gichwad of the
Poona District

Respondent,

(Original Plaintiffs)

Rs. 42 — 8 — 11

The claim in the Original Suit was to enforce the payment
to Plaintiffs of certain Heris.

In Appeal No. 329 of 1864 the
of the District of Poona at Poona
the Decree of the J. Julligam who

Judge
conformed
to the claim.

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 Mahar respondents being
in

in the enjoyment of Inam land and
produce of ^{Hadda Haddali} Had Hadkibadoli (land)
for service, they were not entitled according
to act 19 of 1844 to any other income in
addition and yet the appellate court
allowed their claims which is contrary to the
above mentioned act that (2) there has been
a substantial error in law in the investi-
-gation of the case which has produced
error in the decision of the case on its merits
in that the appellate court on the autho-
-rity of (the decision of) Suit No. 1489
allowed the claim of the Mahar Respondents
but that decision is not applicable to
this case inasmuch as the Mahar Respond-
-ents were not parties in that (Suit) vide
Suit No. 2399 that (3) no tax or cess can
be levied from the public without law
or a sunnud from government the appellate
court therefore was in error in allowing the
claim without any such authority. that
(4) it depends on the pleasure of each in-
-dividual to get his things carried or his
work done by any man he chooses and
the appellate court was in error in
allowing so as to interfere with the business
of day labourers the claim of the respondents
to

to to the effect that the people of each village should give a dinner ~~to~~ to the Mahars thereof even if there be no need of getting the (above mentioned) work done. that (5) It was not determined on what grounds and to what amount the Hak (or right) of the Respondents could be proved against the appellant in regard to those points on which the suit was remanded and that (6) while the Respondents claimed Rupees $3/4$ only a year for bread the appellate (original?) court awarded them Rupee $1/2$ a month (i. e.) more than they claimed and the Appellate Court was in error in confirming that decree.

The Court confirms the decrees of the District Judge and the Munsiff except that it strikes out the part of the Munsiff's decretal order which awards Mahars bread at six annas per month, and awards Plaintiff only the customary Mahars bread, claimed. all costs of appeal
Special Appellant -

M. M. S. Forbes.

H. M. S. Forbes,

MEMORANDUM OF COSTS incurred in Special Appeal No. 392

of 186. 5. Against the decision of the Judge _____ of the District of Poona — and disposed of on the 23rd February 1865 by Confirming the same with costs

By THE APPELLANT—

IN THE DISTRICT.

In the Moonseiff's court	175	✓		
In the Judge's court	892	✓		
			25	142

IN THIS COURT.

Stamp for Memorandum of Special Appeal	4	✓		
Stamps for copies of Decree and Judgment	2	✓		
Stamp for Vukalutnama	2	✓		
Stamp of an application to enter the name of the Appellant's heir	“ “ “			
Batta for Process and Postage	5 12	✓		
Sectioner's Fee	“ 13	✓		
Vukeel's Fee	1 45	✓		
			15	135

Rupees.... 41 11 7 ✓

By THE RESPONDENT

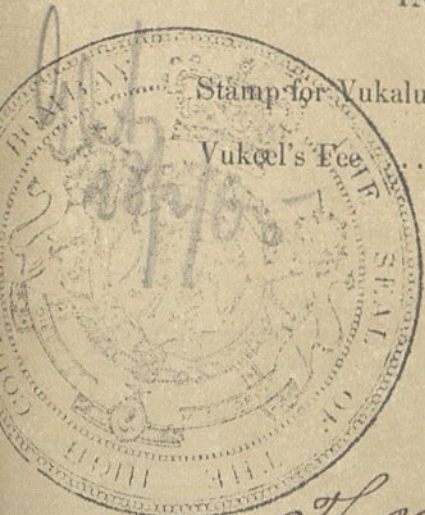
IN THE DISTRICT.

In the Moonseiff's court	219	✓		
In the Judge's court	10 108	✓		
			32	38

IN THIS COURT.

Stamp for Vukalutnama	2	✓		
Vukeel's Fee	1 45	✓		
			3	45

Rupees.... 35 8 1 ✓



[Handwritten Signature]
[Handwritten Signature]
 The 23rd day of Feb^y 1865. Registrar