

In the High Court of Judicature, Bombay.

Monday, the 29 day of August 1864

SPECIAL APPEAL No. 394 of 1864.

Hamodur Bulal Dabke
of the Poona District } Appellant,
(Original Defendant)

versus

Chinnaji Narayan Pr
mavant of the Poona } Respondent,
District (Original Plaintiff)

Rs. 10 - u 10 - u

The claim in the Original Suit was to recover from Principals of
Surtis on a bond Rs: 10-7-8 also used of Chinnaji
who had bought a public auction at the
mortgage to the Plaintiff of the Bond.

In Appeal No. 470 of 1863 the ^{costs} ^{Settled} ^{paid} ^{by}
of the District of the Poona at ^{actual} ^{confirmed} ^{with}
the Decree of the ^{who} ^{had} ^{awarded} ^{the}
claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the
decision of the Acting Judge is con-
trary to usage having the force of
law in that although according to

to Hindu Law the right of mortgage
is not valid without possession, the
Appellant's right of possession is
accompanied with the right by
purchase, the Respondent therefore
has no claim against the Appellant
and yet his claim was admitted
which should not have been done.

Vide decisions in Nos 23. and 45 of
1862 and No 93 of 1863: that (2) 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
it being alleged that the amount of
the bond on which this suit is
brought has been paid off. that
point ought to have been considered
but it was not considered which
was an error

The Court confirm the
decree of the ~~Appellant~~ ^{Respondent} with costs
on ~~appellant~~ ^{respondent}

W. M. M. M. M.

MEMORANDUM OF COSTS incurred in Special Appeal No. 394

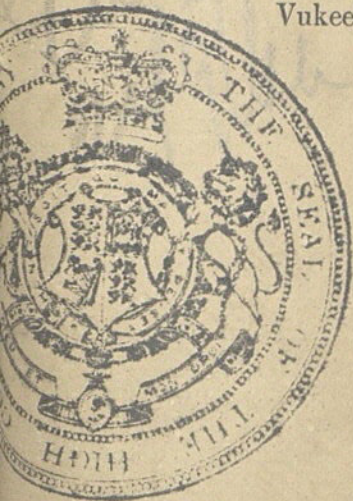
of 186 4 against the decision of the *Acting Judge* of the District of *the Nonkan* and disposed of on the *29th Aug 1864* by *confirming the same with Costs*

BY THE APPELLANT—

<i>In the District.</i>		
In the <i>Mooneiff's Court</i>	1 5 "	
In the <i>Acting Judge's Court</i>	3 3 "	
<i>In this Court.</i>		4 8 "
Stamp for Memorandum of Special Appeal	1 " "	
Stamps for copies of Decree and Judgment	1 8 "	
Stamp for Vukeelutnama	2 " "	
Batta for Process and Postage	1 2 "	
Sectioner's Fee	" 12 9 "	
Vukeel's Fee	" 5 1 "	
		<u>6 11 10</u>
Rupees.....		11 3 10

BY THE RESPONDENT.

<i>In the District.</i>		
In the <i>Mooneiff's Court</i>	4 8 9 "	
In the <i>Acting Judge's Court</i>	1 5 "	
<i>In this Court.</i>		5 13 9 "
Stamp for Vukeelutnama	" " "	
Vukeel's Fee	" " "	
		<u>5 13 9</u>
Rupees.....		5 13 9



E. J. Mune
Sealer

E. J. Mune
Acting Register

The 29th day of August 1864.