

In the High Court of Judicature, Bombay.

Now day, the 29 day of August 1864

SPECIAL APPEAL No. 395 of 1864.

Damodar Bullab Dub.

vs. of the Tankun District
(Original Defendant)

Appellant

VERSUS

Chinnaji Narayan

Attorney of the Tankun

Respondent

District (Original Plaintiff)

Rs. 32.00

The claim in the Original Suit was to recover from the heirs of Plaintiff their sureties Rs. 32. being the balance due on a mortgage bond by sale of the mortgaged property & also said Defendant who had purchased the same property in a public auction.

In Appeal No. 469 of 1863 the ^{Chief Judge} of the District of ^{the Mulla} at ^{Labul} the Decree of the ^{who} had decreed for Plaintiff.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the ^{D^r} sitting ~~Session~~ Judge is contrary to law in that the bond in question has been admitted in

in Exhibit N^o 4 of insufficient stamp
by which (admission) the claim of the
respondent falls within the time. It
was, therefore, necessary that it should
have borne a stamp of = 8 Annas suf-
ficient for the whole amount. The
said paper which does not bear that
stamp should not have been admit-
ted, that (2) Exhibit N^o 4 cannot
be considered as a *Sansidastak*, and
the above mentioned document
being not included among the do-
cuments which are declared in the
Stamp Act to require no stamp, and
the claim was admitted on a doc-
ument of insufficient stamp -
which should not have been done;
that (3) a mortgage being not valid
without possession, the respondent's
claim should not have been admit-
ted. Vide N^o 23 and 75 of 1862 and
N^o 93 of 1853: and that (4) it was an
error that previous to the decision -
the point whether the amount of -
the mortgage had been all paid -
off, or not, was not laid down.

The Court confirm the Decree
of the S^d J. with costs to be paid
appt.

H^ol^dy
J^ust^{ice}

M^ond^{ay}

MEMORANDUM OF COSTS incurred in Special Appeal No. 395

of 1864 against the decision of the Acting Judge of the District of the Konkan and disposed of on the 29th Aug 1864 by Confirming the same with Costs.

BY THE APPELLANT—

In the District.			
In the	Moonsiff's Court	69	4
In the	Acting Judge's Court	115	4
In this Court.			88
	Stamp for Memorandum of Special Appeal	2	"
	Stamps for copies of Decree and Judgment	1	8
	Stamp for Vukeelutnama	2	"
	Batta for Process and Postage	1	4
	Sectioner's Fee	1	3
	Vukeel's Fee	"	15
			814
			605
		Rupees	1776

BY THE RESPONDENT.

In the District.			
In the	Moonsiff's Court	4	3
In the	Acting Judge's Court	4	15
In this Court.			28
	Stamp for Vukeelutnama	"	"
	Vukeel's Fee	"	"
			"
			"
		Rupees	928



L. J. G. M.
 Secy

L. J. G. M.
 Acting Regy

The 20th du