

*Journal*

**In the High Court of Judicature, Bombay.**

Thurs day, the 29<sup>th</sup> day of September 1864.

SPECIAL APPEAL No. 396 of 1864.

Mahadob bin Balaji and Mhus  
Koo bin Rajaba and Krishnaji bin  
Anaji and Panaji bin Surlaji Patil  
Wable of the Poona District  
(Original Plaintiffs)

versus

Balaji bin Mhalooji Patil  
of the Poona District  
(Original Defendant)  
Respondent,

Rs. 8-12-10

The claim in the Original Suit was to recover possession of  
43 acres and 39 guntas of land, as a check of  
the Patetka written.

In Appeal No. 390 of 1859 the  
of the District of Poona at Judge  
the Decree of the Hon. J. Barrington who  
had awarded the claim. Judge  
Poona reversed

A Special Appeal was preferred in the High Court on the grounds that (1) the  
decision of the District Judge is contrary  
to usage having the force of law, in that  
although it was proved from the Decree  
No. 123 that the parties belong to one family, the  
appellate

Appellate Court threw out the Appellant's claim for a share in the ancestral property - wherefore the decision is contrary to the Shastras: that (2) a substantial error in law has occurred in the investigation of the case which has produced error in the decision of the case upon its merits, in that the following points were not laid down for decision vizt. whether the Appellant was not ever in possession of a portion of the land in dispute, If he was, under what right whether the Respondent acquired the said portion in lieu of Services. If so, under what right, and whether the Appellant's ancestral rights to the said land can now be set aside: that (3) the High Court did not reject the whole of the documentary evidence on behalf of the Appellant but the Appellate Court rejected the material documentary evidence which was an error: that (4) from the Exhibit No 108 which has been admitted by the Respondent

MEMORANDUM OF COSTS incurred in Special Appeal No. 396.

of 1864 against the decision of the Judge --- of the District of Poona - and disposed of on the 29<sup>th</sup> Sep<sup>r</sup> 1864 by confirming the same with costs

BY THE APPELLANT

In the District.

In the Moonseffs Court	13 16	
In the Judge's Court	2 14	16 " h.

In this Court.

Stamp for Memorandum of Special Appeal	1 " "	
Stamps for copies of Decree and Judgment	2 8	
Stamp for Vukeelutnama	2 " "	
Batta for Process and Postage	1 5	
Sectioner's Fee	2 7 6	
Vukeel's Fee	" 4 3	9 8 9
	Rupees	25 8 10

BY THE RESPONDENT.

In the District.

In the Moonseffs Court	20 3 8	
In the Judge's Court	19 12 1	39 15 9

In this Court.

Stamp for Vukeelutnama	2 " "	
Vukeel's Fee	" 4 3	2 4 3
	Rupees	4 2 4 "



Subscribed  
 In Sealer  
 In the presence of Registrar  
 the 20<sup>th</sup> day of September 1864.

it is proved that the Appellant is  
a sharer in the land in dispute,  
whereas the Appellate Court gave the  
decision contrary to the said Exhibit:  
& that (5) the Government receipt No. 100  
proves that as the Appellant was  
the owner of the land he used to  
pay the assessment; - whereas the  
decision is contrary to it.

The Court confirms the Decree of the District  
Judge with costs.

At Witness Tooked.

H. P. Tucker,