

Poonas Solapers

In the High Court of Judicature, Bombay.

Monday, the 22nd day of August - 1864.

SPECIAL APPEAL No. 398 of 1864.

Honor ^{ble} Karm Arjanna -
Borathay of the Poo-
na District

Appellant

(Original Defendant)

¹⁷⁸¹⁸
Marootee bin Lakh-

Sherrun of the Poo-
na District

Respondent

(Original Plaintiff)

Rs. 109-4-00

The claim in the Original Suit was to obtain possession of fields and property worth Rs. 135 to which, the Plaintiff stated, he was entitled as having been adopted by the deceased Karm Lakhshun.

In Appeal No. 870 of 1862 the Chief Justice of the District of Poona, on a remand, affirmed the Decree of the Magistrate of Poona who had decreed that property to the amount of Rs. 109-4-00 be given up to the Plaintiff.

A Special Appeal was preferred in the High Court on the grounds that (1) a substantial error in law in the investigation of the case has been made which has produced error in

in the decision of the case on its
merits in that the Assistant Judge
has wrongly thrown the onus of
proof on the appellant in as much
as he is in possession and the deed
of gift is admitted by the grantor,
and is registered, that (2) the Assist-
-ant Judge was in error in not
giving preference (under act 19 of 1843)
to the deed of gift which is registered
over the Mandaputra; that (3) the deed
of gift being anterior to the Mandaputra
and is accompanied with possession -
therefore according to the Hindu Law
the former is preferable to the latter;
that (4) the Assistant Judge's decree
having been annulled by the High
Court he was in error in deciding the
case on the same grounds as he had
done before; and that (5) the Respon-
-dant has failed in proving a legal
adoption.

The decree of the Assistant Judge is
confirmed with costs on Special Appeal.

Joseph Arnold
A. M. B. S.

MEMORANDUM OF COSTS incurred in Special Appeal No. 398

of 186 4 against the decision of the *Acting Asst Judge* of the District of *Poona* and disposed of on the 22nd Aug^r 1866 by *Confirming the same with Costs.*

BY THE APPELLANT—

In the District.

In the <i>Moonisiff's Court</i>	7	9	10				
In the <i>Acting Asst Judge's Court</i>	27	4	6				
				34	14	4	

In this Court.

Stamp for Memorandum of Special Appeal	8	"	"				
Stamps for copies of Decree and Judgment	3	"	"				
Stamp for Vukeelutnama <i>stava</i>	4	"	"				
Batta for Process and Postage	"	16	"				
Sectioner's Fee	2	2	3				
Vukeel's Fee	3	4	5	21	5	5	
Rupees				56	4	"	

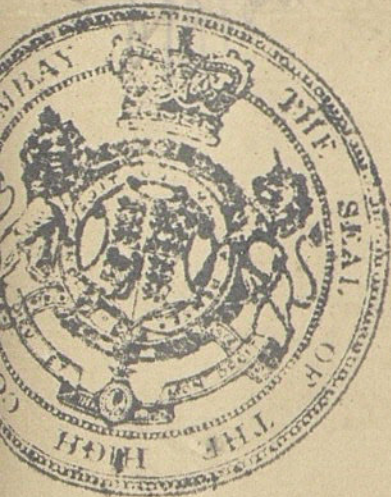
BY THE RESPONDENT.

In the District.

In the <i>Moonisiff's Court</i>	32	"	"				
In the <i>Acting Asst Judge's Court</i>	4	5	5				
				36	6	4	

In this Court.

Stamp for Vukeelutnama	2	"	"				
Vukeel's Fee	3	4	5	5	4	5	
Rupees				41	10	9	



Ume
Acting Registrar

Ume

Sealer

22nd day of August 1866