

In the High Court of Judicature, Bombay.

Monday, the 27 day of June 1864

SPECIAL APPEAL No. 40 of 1864.

Ram Joses bin Anant Joses
of the Kankur District

Appellant

(Original Defendant)

versus

Sutishumibai Komalabai
Shreedhar Joses of the Kankur
District

Respondent

(Original Plaintiff)

Rs. 21. + 14. //

The claim in the Original Suit was to recover possession of certain Kowlee & share lands.

In Appeal No. 391 of 1862 the ^{1st} ~~Sitting~~ Judge of the District of the Kankur at ~~same~~ ^{same} ~~confined~~ ^{confined} the Decree of the ~~1st~~ ^{1st} ~~judge~~ ^{judge} who had awarded the claim with costs.

A Special Appeal was preferred in the High Court on the grounds that the decree of the sitting judge is contrary to Hindoo Law in holding that if a Division of ancestral property

property) has been determined though not
carried out "in a husband's life time his
"widow can carry it out after his death and
"if land has been so divided that though
"held in common the sharers take their
"several proportions of the produce, it
"is the same thing as if there had been
"an actual partitioning out of the land itself."

2nd Because the Court held that there
was a separation in the absence of the
best evidence of it which was the memo-
randum of separation and which was
not put in evidence according to decision
of the special appeal N^o 3817. - (3rd) Because
the Court did not according to Hindoo
Law inquire into the circumstances con-
nected with the division.

The Court confirm the Decree
of the first Judge. with costs.

Jept. Am. ratd

H. Weston.

Bill of Costs

By the Appellant

In the District

In the Moonieff's Court (including V. Fee) ————— 2.2.6
 Do. Judge's Court ————— 4.8.6 6.11.0

In this Court

Stamp for memo. of Special app'l ————— 2.0.0
 Stamps for Copies of decree & judg't ————— 1.8.0
 Stamp for Vukalutuanama ————— 2.0.0
 Bill for Process and Postage ————— 1.1.0
 Sectioners Fee ————— 1.1.9
 Vukell's Fee. ————— " 10.6 8.5.3

Puppes 15.0.3

By the Respondent

In the District

In the Moonieff's Court ————— 11.12.6
 Do. Judge's Court ————— 1.2.6 12.15.0

In this Court

Stamps for two Vukalutuanamas ————— 4.0.0
 Vukell's Fee. ————— " 10.6 4.10.6

Puppes 17.9.6



Chmme

Sealer

The 27th day of June 1864.

Chmme
 Acting Registrar