

In the High Court of Judicature, Bombay.

Wednesday day, the *21* day of *Dec* 186 *4*

SPECIAL APPEAL No. *408* of 186 *4*.

Kheshabchund Kanji -
Gujar, Managing Part-
ner of the Firm Khem-
chund Lalchund of } Appellant,
the Ahmedneger Dis-
trict - (Original Defendants)

versus

Vitoba Sunardur de -
ceased by his son Ram-
chandra Shaker of - } Respondent,
the Ahmedneger Dis-
trict - (Original Plaintiff)

Rs. *2,647-8-00*

The claim in the Original Suit was to *recon a 1/6 th share*
of the alleged net profits of a firm in which
the plaintiff was partner

In Appeal No. *346* of 186 *3* the *Judge*
of the District of *Shardapur* *annulled*
the Decree of the *Magistrate* who *had decreed for the*
plaintiff to the amount of Rs 1307.45.0 by and
ordered payment of Rs 2647.8

A Special Appeal was preferred in the High Court on the grounds that (1) *the*
decision of the District Judge is
contrary to law in that there being
no ascertained balance, the action

in its present form is not main-
tainable, that (2) the burden of
proof has been wrongly thrown
on the appellant who had ten-
dered his account books; and
that (3) no account has been
taken in the case.

The Court confirm
the decree of the Court below
with costs

R. Couch

J. S. Ward

MEMORANDUM OF COSTS incurred in Special Appeal No. *A 0 8.*

of 186 *A* against the decision of the *Judge* of the District of *Abundoo* and disposed of on the *31st* December 185*9* by *confirming the same with costs.*

BY THE APPELLANT—

IN THE DISTRICT.

| | | | | | |
|---|------------|-----------|-----------|------------|-------------|
| In the <i>Mooasiff's Court</i> | <i>57</i> | <i>11</i> | <i>11</i> | | |
| In the <i>Judge's Court</i> (including <i>V. S.</i>) | <i>125</i> | <i>10</i> | <i>2</i> | | |
| | | | | <i>194</i> | <i>6. 1</i> |

IN THIS COURT.

| | | | | | |
|---|------------|-----------|-----------|------------|-------------|
| Stamp for Memorandum of Special Appeal | <i>100</i> | <i>..</i> | <i>..</i> | | |
| Stamps for copies of Decree and Judgment | <i>3</i> | <i>8</i> | <i>..</i> | | |
| Stamp for <i>Vukalutnama</i> <i>has</i> | <i>4</i> | <i>..</i> | <i>..</i> | | |
| Stamp of an application to enter the name of the Appellant's heir | <i>..</i> | <i>..</i> | <i>..</i> | | |
| Batta for Process and Postage | <i>3</i> | <i>..</i> | <i>..</i> | | |
| Sectioner's Fee | <i>3</i> | <i>..</i> | <i>6</i> | | |
| Vukeel's Fee | <i>72</i> | <i>15</i> | <i>2</i> | <i>186</i> | <i>7. 8</i> |

Rupees.... *380*/*3* *9*

BY THE RESPONDENT—

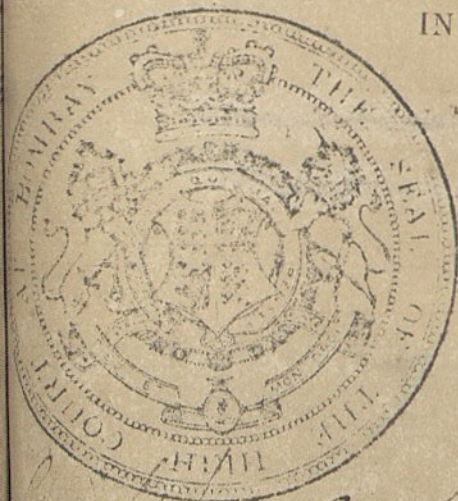
IN THE DISTRICT.

| | | | | | |
|--------------------------------------|------------|-----------|----------|------------|-------------|
| In the <i>Mooasiff's Court</i> | <i>208</i> | <i>7</i> | <i>2</i> | | |
| In the <i>Judge's Court</i> | <i>73</i> | <i>15</i> | <i>2</i> | <i>282</i> | <i>6. 4</i> |

IN THIS COURT.

| | | | | | |
|------------------------------------|-----------|-----------|-----------|------------|--------------|
| <i>Stamp for Vukalutnama</i> | <i>2</i> | <i>..</i> | <i>..</i> | | |
| <i>Vukeel's Fee</i> | <i>72</i> | <i>15</i> | <i>2</i> | <i>74</i> | <i>15. 2</i> |
| | | | | <i>357</i> | <i>5. 6</i> |
| | | | | <i>282</i> | <i>6. 4</i> |

Rupees.... *282*/*6* *4*



R. West
Shepherd & Co. Registrar