

In the High Court of Judicature, Bombay.

Monday, the 22nd day of August — 1864.

SPECIAL APPEAL No. 409 of 1864.

Vitaji bin Janoji Inore,
deceased his sons and
heirs Baburao and Anan-
-dar of the Konkan
District — (Original Defendants)

Appellant,

versus

Hari bin Balji, —
deceased his son and
heir Govind of the
Konkan District —
(Original Plaintiff)

Respondent,

Rs. 100-0-0

The claim in the Original Suit was to compel defendants to restore
7 fields (which were mortgaged to their deceased father) on
payment of mortgage money debt.

In Appeal No. 514 — of 1863 — the Ag. Judge of the
of the District of the Konkan at Tanva affirmed
the Decree of the Mof of Pohe — who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that the
decision of the sitting Judge is
contrary

contrary to law in that,

(a) The Lower Court's decree is against the admissions of the Respondent (Vide Exhibit Nos. 34, 37, and 38).

(b) The decree is opposed to the terms of Exhibit No. 6, which, were there no admission of sale, would entitle the Respondent - only to recover his share. -

The Court confirms the decree of the District Judge with costs on Special Appeal.

Just Amold

J. M. Anderson

MEMORANDUM OF COSTS incurred in Special Appeal No. 409
of 1864 against the decision of Acting Judge of the
District of the Munkun and disposed of on the 22nd August 1864
by Confirming the same with Costs

BY THE APPELLANT

In the District.			
In the Moonseff's Court	25	13	"
In the Acting Judge's Court	13	"	"
In this Court.			38 13 "
Stamp for Memorandum of Special Appeal	8	"	"
Stamps for copies of Decree and Judgment	4	"	"
Stamp for Vukeelutnamas <i>stara</i>	4	"	"
Batta for Process and Postage	1	3	"
Sectioner's Fee	2	13	"
Vukeel's Fee	3	"	"
			23 " "
			Rupees.... 61 13 "

BY THE RESPONDENT.

In the District.			
In the Moonseff's Court	15	4	"
In the Acting Judge's Court	4	8	"
In this Court.			19 12 "
Stamp for Vukeelutnamas <i>stara</i>	4	"	"
Vukeel's Fee	3	"	"
			7 " "
			Rupees.... 26 12 "



Chune

Sealer

The 22nd day of August 1864

Chune
Acting Registrar