

In the High Court of Judicature, Bombay.

Monday, the 22nd day of August 1864.

SPECIAL APPEAL No. 4/4 of 1864.

Suzuna and Babji Kedari
Jugdule Patil of the Satara
District } Appellants
(Original Defendants)

VERSUS

Dhondi and Babji bin Jivaj
Jugdule Patil of the Satara
District } Respondents
(Original Plaintiffs)

Rs. 14 - 8 - -

The claim in the Original Suit was to recover possession of some Govt. land which the Pl.iffs alleged they had held to deft for ten years and the produce thereof

In Appeal No. 335- of 1863 the Judge - - - - -
of the District of Satara - - - - - at Satara affirmed - - -
the Decree of the J. of Satara who had decreed in favor of the Pl.iffs
to the extent of the possession of the land and had thrown
out the claim for a share in the produce -

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

upon the merits in that:

(a) The Registry in Revenue Books, and that too, only for 1861-62 - has been held sufficient to support the title of a plaintiff in ejectment.

(b) Though the genuineness of the Plaintiff's deed was disputed, the Court below did not lay down that point for decision, nor has it recorded any finding upon it.

(c) The claim is barred by the Statute of ^{limitation} ~~limitation~~ and has still been allowed.

In this case the Court holds that the Judge has erred in considering the Choppers of Shondi as ^{alone} sufficient to prove Shondi's right of ownership.

This Court therefore reverses the decree of the Judge and remands the case for a determination on the following points -

1. Whether Plaintiffs have proved their right to recover possession of the land claimed.

2. Whether the agreement No 3 is

3 Should the agreement No 3 be held not proved was Plaintiffs' claim barred by the statute of Limitations.

4. Whether the claim for a share in the produce set forth in the Plaint is proved.

A new decree to be passed ^{on the merits} - Costs to follow final decision.

Joseph Arnould.

A. M. W. M.

MEMORANDUM OF COSTS incurred in Special Appeal No. 414

of 186 4. against the decision of the Judge of the District of Satara and disposed of on the 22 Aug. 1864 by remanding the same for retrial.

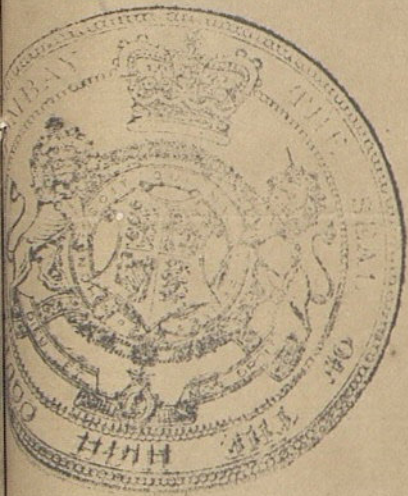
IN THIS COURT.

BY THE APPELLANT

Stamps for copies of Decree and Judgment	3. 8 "		
Stamp for Vukeelutnama	2 " "		
Batta for Process and Postage	1 5 "		
Sectioner's Fee	2 3 "		
Vukeel's Fee one-fourth	" 19	9. 19	✓
		Rupees	9 19 ✓

BY THE RESPONDENT

Stamp for Vukeelutnama	2 " "		
Vukeel's Fee one-fourth	" 19	2 19	✓
		Rupees	2 19 ✓



Gunn

Sealer

The 22nd day of August 1864.

Gunn
Acting Registrar

Issued a certificate on the
Treasury of the Collector of Salt
for the refund of Rupee one
being the value of stamps
used for special appeal
in this case

Yours

Acting Registrar

8/1/1908

Registrar