

Poona & Solapur

In the High Court of Judicature, Bombay.

Monday, the 22<sup>nd</sup> day of August — 1864.

SPECIAL APPEAL No. 423 — OF 1864.

Gondrak Wulud —  
Kamrak Mahar Shri — Appellant,  
- de. Mubare of the Poona  
District —  
(Original Plaintiff)

versus

Mekrak Wulud Gen —  
- nak and Devjee Wul — Respondent  
- lud Mesrak Mahar  
of the Poona District  
(Original Defendant)

Rs. 75-0-0

The claim in the Original Suit was to establish right to a half share of one division of Mheturkee watum.

In Appeal No. 558 — of 1862 the <sup>cl. judg.</sup> cl. judg. — — — — —  
of the District of Poona — — — — — at Poona reversed — — — — —  
the Decree of the <sup>cl. of four</sup> cl. of four who had decreed in favor of  
The Plaintiff.

A Special Appeal was preferred in the High Court on the grounds that sub =

stantial errors in law in the in =

- investigation of the case have been made which have produced errors in the decision of the case upon its merits, in that in the decree N<sup>o</sup> 21 shews that in 1838 A.D. Appellants family was in possession of the waltaw in question and the respondents suit was struck off the file on account of default the Acting Judge was therefore in error in not requiring the Respondents to prove their title -

The Court confirms the Decree of the Assistant Judge with costs on Special Appellant -

Joseph Arnold

J. D. Ward

MEMORANDUM OF COSTS incurred in Special Appeal No. 423.

of 1864 against the decision of the <sup>Assistant</sup> Acting Judge of the District of Poona. and disposed of on the 22 August 1864 by confirming the same with costs

BY THE APPELLANT—

In the District.				
In the Moonseiff's Court	.....	30	6	6
In the <sup>Assistant</sup> Acting Judge's Court	.....	3	12	"
		<hr/>		
				34 2 6
In this Court.				
Stamp for Memorandum of Special Appeal	.....	8	"	"
Stamps for copies of Decree and Judgment	.....	3	8	"
Stamp for Vukeelutnama	.....	2	"	"
Batta for Process and Postage	.....	2	"	"
Sectioner's Fee	.....	1	"	"
Vukeel's Fee	.....	2	4	"
				<hr/>
				18 12 "
				<hr/>
		Rupees....	52	14 6

BY THE RESPONDENTS,

In the District.				
In the Moonseiff's Court	.....	30	3	3
In the <sup>Assistant</sup> Acting Judge's Court	.....	17	11	3
		<hr/>		
				47 14 6
In this Court.				
Stamp for Vukeelutnama	.....	2	"	"
Vukeel's Fee	.....	2	4	"
				<hr/>
				4 4 "
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		Rupees....	52	2 1



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Acting Registrar.