

Poona & Solapur

In the High Court of Judicature, Bombay.

Thursday, the 8th day of September 1864

SPECIAL APPEAL No. 428 - of 1864.

Ravloji Weland Pegoji, and Shunder-bai + Shahaji Surde, and Sukharam Bapuji Issi of the Poona District (Original Defendants)

Appellants,

versus

Dinkar Bhargwant of the Poona District (Original Plaintiff)

Respondent,

Rs. 14 - - - -

The claim in the Original Suit was to recover certain Guthkolee land called Thul Bagool, which had been let to Defendant for cultivation on a verbal agreement.

In Appeal No. 252 of 1863 the Principal Sudder Ameen of the District of Poona at Poona confirmed the Decree of the Mof. of the Plaintiff who had observed for the Plaintiff.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the Principal Sudder Ameen is contrary to law in that when the Court admitted that the property

property in dispute was not in the Respondents' possession, the suit could not be maintained under Clause 12 Section I of Act ~~XIV~~ of 1859, that (2) a substantial error in law has occurred in the investigation of the case which has produced error in the decision of the case upon its merits in that as it is admitted that the property is undivided, the Respondents' claim should not have been awarded before the (Respondents) right of inheritance was proved, that (3) the lower court should not have declined to receive the Appellants' proof on the ground that it was not documentary Vide Ruling in Special Appeal No: 2999; that (4) the Appellant being in possession the onus probandi should have been thrown on the Respondent and not on the Appellant; and that (5) the whole of the Appellants' proof was not examined.

The decree of the Principal Sudder Ameen is confirmed with costs.

A. H. Lock Forbes.

A. M. Mason

MEMORANDUM OF COSTS incurred in Special Appeal No. 428

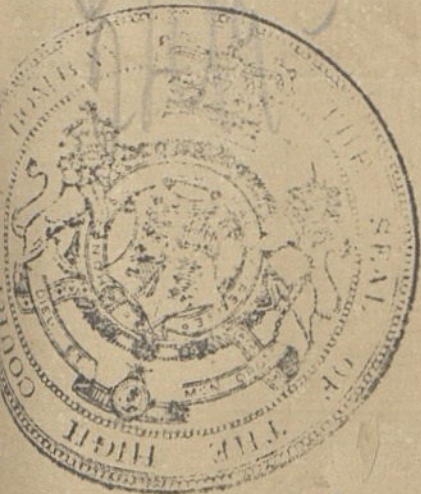
of 1864 against the decision of the *Princepal S^r Amies* of the District of *Poona* and disposed of on the *8th September 1864* by *Confirming the same with costs*

BY THE APPELLANT

In the District.			
In the <i>Moonseff's Court (including V. Fee.)</i>	8 10 9	✓	
In the <i>Principleal Sud' Amies Court...</i>	4 " 3	✓	
In this Court.			12 11 "
Stamp for Memorandum of Special Appeal	1 " "	✓	
Stamps for copies of Decree and Judgment	3 " "	✓	
Stamp for Vukeelutnama	2 " "	✓	
Batta for Process and Postage	1 " "	✓	
Sectioner's Fee	1 1 6	✓	
Vukeel's Fee	" 6 9	✓	8 8 3
		Rupees....	21 3 3

BY THE RESPONDENT.

In the District.			
In the <i>Moonseff's Court</i>	6 6 8	✓	
In the <i>Principleal Sud' Amies Court...</i>	1 6 9	✓	
In this Court.			7 13 5
Stamp for Vukeelutnama	2 " "	✓	
Vukeel's Fee	" 6 9	✓	2 6 9
		Rupees....	10 4 2



Cyrene
Acting Registrar

Cyrene
Sealer
The 8th day of September 1864