

In the High Court of Judicature, Bombay.

Fri day, the 26th day of August — 1864.

SPECIAL APPEAL No. 430 of 1864.

Ahdoolbhuman Sheralkur of
the Rutnagiri Division of the
Konkan District

Appellant

(Original Plaintiff)

versus

Wassodev Parshram of the
Rutnagiri Division of the
Konkan District

Respondent

(Original Defendant)

Rs. 38— — —

The claim in the Original Suit was to ~~redeem~~ a Thikana and
"Rab" land, attached, mortgaged to Moray and held by
his four heirs, who had submortgaged to Wassodev Parshram.

In Appeal No. 4 — of 1862 the ~~Sen. act. Jud.~~ — — —
of the District of the Konkan at Rutnagiri amended the
the Decree of the ~~Moff~~ (Chipson) (who had decreed redemption on pay-
ment of Rs. 28 principal only) and decreed that respondents redeem
the Thikana called Chandorce & the Rab land attached by pay-
ment of Principal Rs. 114 and interest Rs. 114.

A Special Appeal was preferred in the High Court on the grounds that (1) there
has been a substantial error in law ^{in the investigation of the case} in that the
other mortgage deed No. 13 not having been
mentioned in the deeds of sale Nos. 16, 19, and

20 under which Respondent held the possession of the property the Appellate Court was in error in awarding the sum of Rupees 228 on the deed No 13 and that since the mortgage deed contains a stipulation for interest the Respondent should have been held liable to give the account of the profits

The Court modifies the decree of the Lower Court Judge by altering the amount awarded from Rs 228 to Rs 188 - the latter sum to be awarded according to the proportions laid down by the Lower Court Judge, Certi in Appellat.
Joseph Arnolds
A. W. M. A. S.

MEMORANDUM OF COSTS incurred in Special Appeal No. 430
of 1864 against the decision of the Senior Judge of
District of the Honkum and disposed of on the 26th Aug^r
by *Modifying the same*

BY THE APPELLANT—

<i>In the District.</i>			
In the Moonseiff's Court	.....	10	14 3/4
In the Senior Judge's Court	.....	1	10 3/4
			12. 8 6. 1/2
<i>In this Court.</i>			
Stamp for Memorandum of Special Appeal	.....	4	" "
Stamps for copies of Decree and Judgment	.....	3	" "
Stamp for Vukeelutnama	.....	2	" "
Batta for Process and Postage	.....	1	1 "
Sectioner's Fee	.....	1	7 9/10
Vukeel's Fee	.....	1	2 3/4
			12 11 4/5
		Rupees....	25 3 6. 1/2

BY THE RESPONDENT.

<i>In the District.</i>			
In the Moonseiff's Court (including fee)	.....	9	8 3/4
In the Senior Judge's Court	.....	8	10 3/4
			18 2 6. 1/2
<i>In this Court.</i>			
Stamp for Vukeelutnama	.....	2	" "
Vukeel's Fee	.....	1	2 3/4
			3 2 3/4
		Rupees....	21 4 9. 1/2



Yme

Yme
Acting Registrar

The 26th day of August 1864
Sealer.