

Pooná & Solapur

In the High Court of Judicature, Bombay.

Wednesday, the 30 day of Novr 1864

SPECIAL APPEAL No. 431 of 1864.

Moro Gungadhar deceased, his ne-
phew Venayak Shivram Bele also
deceased his son and heir Shiv-
ram, or minor by his mo-
ther Kusabai Widow of
Venayak Shivram of the
Pooná District

Appellant

(Original Plaintiffs)

versus

Vitthal Ganardhan -
Vyavahare, and Bha-
aji bin Sivaji of the Poo-
na District. (Original Defendants)

Respondent

Rs. 440-0-0

The claim in the Original Suit was to ~~prove~~ establish the
Plaintiff's right to a house attached and
sold to the Deft as the property of one Dattoo

In Appeal No. 10 of 1863 the Judge
of the District of Pooná refused
the Decree of the Plaintiff at the instance of the Defendant who had
succeeded in the claim

A Special Appeal was preferred in the High Court on the grounds that there
have been errors in law in the in-
vestigation of the case which
have produced substantial errors
in the decision of the case on
its

its merits in that,

(1) The issue for decision + ought to have been who was the owner of the property.

(2) The accounts (Exhibit N^o. 67) have been mis-constructed by the lower court attaching a meaning to the account current of the shop different from what the whole context shows.

II

It is against Law in that

(a) The burden of proof has been wrongly thrown upon the Special appellant.

(b) The sale bond under which the Special appellant claims the property does not require a stamp whereas the lower court has held the contrary.

(c) The sale bond though unstamped is admissible for a collateral purpose.

(d) The decision is against the admissions of the Respondents.

by
The Court Confirms
the decree of the Assistant
Judge with costs

R Couch

H. Newton,

A. D. Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 431.

of 1864 against the decision of the *Spottiswoode* of the District of *Poona* and disposed of on the 30th Nov^r 1864 by *Confirming the same with Costs*

BY THE APPELLANT—

In the District.			
In the <i>Mooniff's</i> Court (including fee)	71	88	✓
In the <i>Spottiswoode</i> Court	14	112	✓
In this Court.			
Stamp for Memorandum of Special Appeal	32	"	✓
Stamps for copies of Decree and Judgment	3	"	✓
Stamps for Vukeelutnama <i>two</i>	4	"	✓
Batta for Process and Postage	1	9	✓
Sectioner's Fee	1	56	✓
Vukeel's Fee	13.	32.	✓
		55	18 ✓
		Rupees....	141. 56.

BY THE RESPONDENT.

In the District.			
In the <i>Mooniff's</i> Court	28	108	✓
In the <i>Spottiswoode</i> Court	49	32.	✓
In this Court.			
Stamp for Vukeelutnama	2	"	✓
Vukeel's Fee	13.	32.	✓
		15.	32 ✓
		Rupees....	93. 2 "



West
West
 Registrar
 Sealer

The 30th day of November 1864.