

In the High Court of Judicature at Bombay.

Monday, the 7 day of March 1866.

SPECIAL APPEAL No. 434 of 1864.

Chiv Sawant his Ram Sawant deceased his son and heir Chundra Sawant Patel and Raj Sawant his Krishna Sawant Patel of the Putnagiri Division of the Konkan District (Original Plaintiffs)

Appellants,

versus

Vita Ram Poojara deceased his heirs - Ladga Vit Poojara and Dadas Shukh Poojara Narga Poojara and Govind Baboo Poojara and Mal his Bal Poojara and Balga Mal Poojara and Tukker Bhick Poojara and Anjanna Bal Poojara and Zillao Saw Poojara and Chodoo Saw Poojara and Naga and Comay Poojara and Bhanga Chiv Poojara and Babla Chood Poojara and Bhargow Chood Poojara and Rughla Chood Poojara and Sam Ragh Poojara and Guranam Ragh Poojara Lakhma Ragh Poojara deceased his heirs Sopra Ragh Poojara and Chodoo Ram Poojara deceased his heirs - Dhurma Chood Poojara & Guro Sabaji Poojara & Paras Bal Poojara & Sam Dadas Poojara deceased by his heirs Dadas Bal Poojara and Hair Sabaji Poojara & Pipla Guro Poojara & Dadas Ragh Poojara & Babla Nargay Poojara & Dhurmanchod Poojara & Vitto Bhim Poojara & Naga Nargay Poojara & Pandoo Ghor Poojara & Dumbhoo Chood Poojara of the Putnagiri Division of the Konkan District (Original Defendants)

Respondents

The claim in the Original Suit was to ~~secure~~ establish right to Raj Ratha Manpan a hereditary privileges & precedence to which they as hereditary Patells were entitled over Defendants

In Appeal No. 5 of 1862 the ~~Acting~~ Sen. Asst. Judge of the District of the Decree of the ~~Acting~~ Sen. Asst. Judge of the District of Putnagiri reversed the decree of the ~~Acting~~ Sen. Asst. Judge of the District of Putnagiri who had on remand decreed for the plaintiffs

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

of the Case upon merits in that  
there has been instructions of  
exhibit N<sup>o</sup> 13 inasmuch as it re-  
cognises the superiority of the Ap-  
pellants as Patels generally, and  
entitles them to the precedence claim-  
ed, that (2) the usage of the law-  
try upon which the claim of the  
Appellants rested has not been en-  
quired into but has been expressly  
disregarded; and that (3) the Court  
having found that the precedence  
is accorded to Patels as such erred in  
the deducing that it does not fol-  
low that they must have it, be-  
cause they are Patels. -

The Court confirm the decree of  
the Acting Senior Assistant  
Judge with costs

J. L. M. M.

J. L. M. M.

MEMORANDUM OF COSTS incurred in Special Appeal No. 434

of 1864, against the decision of the Senior *apost* Judge of the District of the *Koukum* and disposed of on the 19<sup>th</sup> March 1866 by *Confirming the same with costs*

BY THE APPELLANTS

In the District.

In the <i>Moonseiffi</i> Court	41	"	9	
In the <i>Senior apost Judge's</i> Court	1		6	10
In this Court.				
Stamp for Memorandum of Special Appeal	1	"	"	
Stamps for copies of Decree and Judgment	3	8	"	
Stamp for Vukeelutnama	2	"	"	
Stamp for an application to enter the name of the <i>Respondent's</i> heir	2	"	"	
Batta for Process and Postage	6	10	"	
Sectioner's Fee	1	6	"	
Vukeel's Fee	"	6	10	
				4277
				161410

Rupees.... 5965

BY THE RESPONDENT

In the District.

In the <i>Moonseiffi</i> Court	37	10	8	
In the <i>Senior apost Judge's</i> Court	5	2	10	
In this Court.				
Stamp for Vukeelutnama	2	"	"	
Vukeel's Fee	"	6	10	
				42136
				2610
Rupees....				4544

*R. West*

Registrar.

*J. M. Campbell*

Sealer.

The 19<sup>th</sup> day of *March* 1866

