

In the High Court of Judicature, Bombay.

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

SPECIAL APPEAL No. 435 of 1864

Sutheil Bawaji of the Konkan
District

Appellant,

(Original Plaintiff)

versus

Benben Sutheil and Babina
kom Sutheil Bawaji Mhetter
of the Konkan District

Respondents,

(Original Defendants)

Rs. 150 — " — " —

The claim in the Original Suit was to eject Defendants from a house, the Plff alleging that the house was his and that the Defs being separated from him occupied it wrongfully.

In Appeal No. 447 of 1863 the Asst. Jdg. of the District of the Konkan at Panvel reversed the Decree of the Jdg. of Panvel who had decreed in favor of the Plff.

A Special Appeal was preferred in the High Court on the grounds that ~~the~~ the decision of the Assistant Judge is contrary to law in that

(a) The Court below deviated from the course

course laid in Regulation IV of 1827 section
26

(b) The question of the liability of the Appellant to maintain his wife was inquired into, when that was not in issue

(c) The right to maintenance has been confounded with the right to occupy a house

(d) The title having been evidently made out the adverse right of the son to occupy of the house has not been determined.

The Court reverses the Decree of the Appellate Judge, & confirms that of the Munsiff without prejudice to the right of Respondent Babina to sue for maintenance.

Joseph Arnold

J. M. Arnold

MEMORANDUM OF COSTS incurred in Special Appeal No. 433

of 186 4. against the decision of the *Asst^d Judge* of the District of *the Nookum* and disposed of on the *26th August 1864* by *reversing the Asst^d and Judge's Decree* confirming that of the *Moonsiff*

BY THE APPELLANT—

In the District.

In the <i>Moonsiff's Court</i>	21	8	✓
In the <i>Asst^d Judge's Court</i>	5	8	✓
			27

In this Court.

Stamp for Memorandum of Special Appeal	8	✓
Stamps for copies of Decree and Judgment	3	✓
Stamp for Vukeelutnama	2	✓
Batta for Process and Postage	2	✓
Sectioner's Fee	14	9
Vukeel's Fee	4	8

Rupees.... 20 69 ✓
47 69 ✓

BY THE RESPONDENT

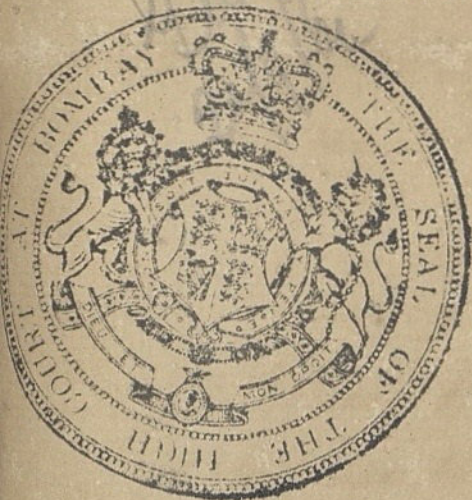
In the District.

In the <i>Moonsiff's Court</i>	13	12	✓
In the <i>Asst^d Judge's Court</i>	15	12	✓
			29 8

In this Court.

Stamp for Vukeelutnama	2	✓
Vukeel's Fee	4	8

Rupees.... 6 8 ✓
36



Cymme
Sealer

Cymme
Acting Registrar

The 26th day of August 1864