

In the High Court of Judicature, Bombay.

Thursday, the 8th day of September 1864.

SPECIAL APPEAL No. 436 of 1864.

Kondoo Biji Chakliya Mahatra
of the Konkan District

Appellant,

(Original Plaintiff)

versus

Mahamoodji wuled Khasra
Buddeen Chodhury of the Kon-
kan District.

Respondent,

(Original Defendant)

Rs. 1-9-6.

The claim in the Original Suit was to obtain possession of $6\frac{1}{2}$ acres of land which he alleged had been sold to him as part of certain cultivated and grass land which had been sold to him on a deed of sale.

In Appeal No. 502 of 1862 the Acting Judge of the District of the Konkan at Tanjore reversed the Decree of the ~~honourable~~ ^{honourable} ~~Judge~~ ^{Judge} who had decreed for the Plaintiff.

A Special Appeal was preferred in the High Court on the grounds that (1) substantial errors in law in the investigation of the case have been made which have produced errors in the decision of the case on its merits in

in that the Acting Judge has misconstrued
the deeds N^o 3 and 4 in holding that the
land in dispute was not sold by the
Respondent to the Appellant that (2) the
Acting Judge having held that the
Appellant has established that the disputed
ground was formerly part of the "rat" land
attached to the field he brought from the
Respondent was in error in reversing the
Moonsiff's decree on the ground that he
has not shewn that he specifically
brought it with the rest that (3) the
Respondent is estopped from asserting
any title to the land in dispute on the
ground that it belongs to the field N^o
48 since he has renounced all title to it
for a valuable consideration by the deed N^o 4
that (4) the Survey did not and could not affect
the rights of persons who are entitled to a particu-
lar piece of ground.

The Court confirms the decree of the
Acting Judge with costs.

Attest
At New York

Wm. M. Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 436.

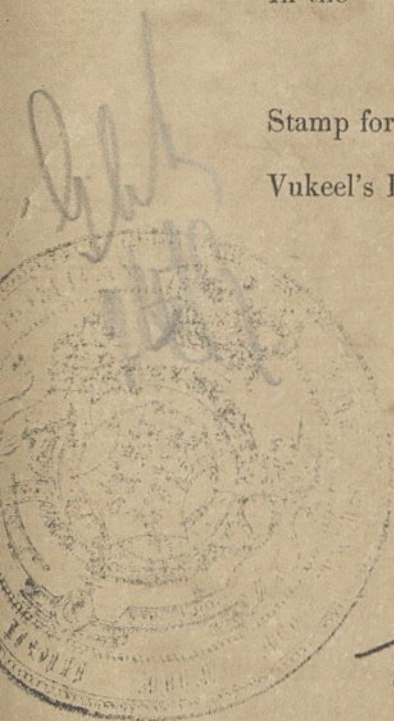
of ¹/₂ against the decision of the Acting Judge of the District ¹⁸⁶ ~~the~~ ^{the} Honkum and disposed of on the 8th Sept. 1864 by ~~confirming~~ ^{firming} the same with costs

BY THE APPELLANT—

In the District.			
In the Moonneff's Court -	22	15	4 ✓
In the Acting Judge's Court	2	"	9 ✓
In this Court.			25 " 1 ✓
Stamp for Memorandum of Special Appeal	1	"	" ✓
Stamps for copies of Decree and Judgment	3	"	" ✓
Stamps for Vukeelutnama ^{two}	4	"	" ✓
Batta for Process and Postage	1	1	" ✓
Sectioner's Fee	"	10	10 ✓
Vukeel's Fee	"	"	9 ✓
			9 12 7 ✓
		Rupees	34 12 8 ✓

BY THE RESPONDENT.

In the District.			
In the Moonneff's Court	2	"	9 ✓
In the Acting Judge's Court	3	10	9 ✓
In this Court.			5 11 6 ✓
Stamp for Vukeelutnama	2	"	" ✓
Vukeel's Fee	"	"	9 ✓
			2 " 9 ✓
		Rupees	7 12 3 ✓



G. C. Sumner
For Acting Registrar

G. C. Sumner
For Sealer

The 8th day of September 1864.