

In the High Court of Judicature, Bombay.

Tuesday, the 23rd day of August — 1864.

SPECIAL APPEAL No. 438 of 1864.

Ajuna Wulud Mangala
Patil of the Khandesh
District — (Original Defendant) } Appellant

versus

Lala Wulud Dhew-
ji of the Khandesh
District — (Original Plaintiff) } Respondent

Rs. 25-11-11

The claim in the Original Suit was to enforce Plaintiff's right of passage by causing the removal of Defendant's building

In Appeal No. 206 — of 1863 — the Judge — — — — —
of the District of Khandish — at Dhooli reversed — — — — —
the Decree of the Mof of Dhooli who had thrown out the claim, and
ordered the passage to remain open —

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the District Judge is contrary to Law, in that the Respondent had no right of action, that
(2)

(2) the issue laid down by the
Lower Court is indefinite, and
the finding is equally so, and that
(3) Document N^o 3 is not admis-
sible in evidence against the ap-
pellant.

The Court holding that the Plaintiff
has failed to prove any ^{private} right of way over
the passage in question in the
original suit, either by prescription,
or grant, reverses the decree of
the Judge & confirms that of the
Monsieur. Cert. in Special Appeal.

Jeph. Arnold

A. M. Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 438

of 1864 against the decision of the Judge of the District of Khandesh and disposed of on the 23rd Aug^r 1864 by reversing the decree of the District Judge and confirming that of the Moonsiff with Costs on Resp^t

BY THE APPELLANT—

In the District.

In the Moonsiff's Court -	5	"	✓
In the Judge's Court -	1	4	" ✓
			6 4 "

In this Court.

Stamp for Memorandum of Special Appeal	2	"	✓
Stamps for copies of Decree and Judgment	3	"	✓
Stamp for Vukeelutnama <i>stora</i>	4	"	✓
Batta for Process and Postage	"	10	" ✓
Sectioner's Fee	2	1/4	✓
Vukeel's Fee	"	12	" ✓

Rupees.... 13 4 1 ✓
19 8 1 ✓

BY THE RESPONDENT.

In the District.

In the Moonsiff's Court -	13	15	" ✓
In the Judge's Court -	3	8	10 ✓
			17 7 10 ✓

In this Court.

Stamp for Vukeelutnama	2	"	✓
Vukeel's Fee	"	12	" ✓

Rupees.... 2 12 ✓
20 3 10 ✓



Opone

Sealer

Opone
Acting Registrar

The 23rd day of August 1864