

In the High Court of Judicature, Bombay.

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

SPECIAL APPEAL No. 441 - of 1864.

Dharamdas Sunbhodas deceased,
his grand sons and heirs Nanabhai
and Nuthobhai Umthadas and
Surbhoolhai Kusrumdas a mi-
nor by his Cousins and Nephews
Nanabhai and N. Umthodas
of the Firm of Dharamdas
Sunbhodas of the Khandesh
District (Original Plaintiffs)

Appellants,

versus

Baba Sudashev of
the Khandesh Dis-
trict (Original Defendant)

Respondent,

Rs. 300 - - -

The claim in the Original Suit was to compel the defendant to pull
down such a portion of the eaves of his house as obstructed
the construction of an upper story of the Plaintiffs' house
at Thakur -

In Appeal No. 152 - of 1863 the Judg - - - -
of the District of Khandesh - at Shole affirmed - - -
the Decree of the Judg of Khandesh who had decreed in favor of the
defendant.

A Special Appeal was preferred in the High Court on the grounds that (1) - a -
substantial error in law in the in-
- vestigation of the Case has been
made which has produced error in
the

The decision of the case upon its merits, in that the District Judge has given no opinion on the evidence produced to prove the boundaries of the Country with regard to the subject matter of the claim, that (2) the District Judge having held that the grounds upon which the cases sought to be reversed belong to Appellant was in error in not throwing the onus of proof on the Respondent; and that (3) the Respondent had agreed to abide by the decision of the Council and they decided in Appellant's favor, the District Judge was in error in holding that the Respondent is not bound by their decision.

The Court confirms the decree of the District Judge with costs on Special Appellants.

Joseph Arnold.

A. M. Ward

MEMORANDUM OF COSTS incurred in Special Appeal No. 441

of 186 4. against the decision of the Judge of the
 District of Khandesh. and disposed of on the 26th August 1864
 by Confirming the same with costs.

BY THE APPELLANT

In the District.

In the Moonseff's Court (including v. Fees)	39	4		
In the Judge's Court	28	12	2	
				68 " 2

In this Court.

Stamp for Memorandum of Special Appeal	16	"	"	
Stamps for copies of Decree and Judgment	4	8	"	
Stamp for Vukeelutnama <i>two</i>	4	"	"	
Batta for Process and Postage	1	10	"	
Sectioner's Fee	1	8	2	
Vukeel's Fee	9	"	"	
				36. 10 2.
Rupees	104	10	4.	

BY THE RESPONDENT.

In the District.

In the Moonseff's Court	14	12	"	
In the Judge's Court	9	8	"	
				24 4 "
In this Court.				
Stamp for Vukeelutnama	2	"	"	
Vukeel's Fee	9	"	"	
				11 " "
Rupees	35	4	"	



Cyrene
 Sealer

Cyrene
 Acting Registrar

The 26th day of August 1864.