

In the High Court of Judicature, Bombay.

Monday, the 19 day of September 1864.

SPECIAL APPEAL No. 446 of 1864.

Sarfu wulud Shek Housen
Gole of the Konkan District

Appellant,

(Original Plaintiff)

versus

Hiroo bin Trimbuck of the
Konkan District

Respondent,

(Original Defendant)

Rs. 6-11-11

The claim in the Original Suit was to *renew possession of*
some land

In Appeal No. *623* of 1864 the *Acting Judge*
of the District of *the Southern* at *Saunath* *reversed*
the Decree of the *hooff at Pollia* who *had awarded the claim*

A Special Appeal was preferred in the High Court on the grounds that (1) *there*
has been a substantial error in law in the
investigation of the case which has produced
error in the decision of the case upon its
merits

merits in that the Sutidar being by the
usage of the place the proprietor of the land
the Appellate Court was in error in rejecting
the claim of the Appellant contrary to the
local usage & that (2) it being proved by
Exhibit No 35 that the land was taken
by the Respondent for cultivation with the
reservation of the Appellants proprietary
title the Appellate Court was in error in
rejecting the claim contrary to the Respondents
admission.

The Court reverses the Decree
of the S. Judge & remands the case
in order that the lower Court may
lay down as a point at issue whether
a Sootidar having been absent
from his land for a term of years is
entitled to return out of his subject the
tenant who may have been put in,
in his absence, & cultivate the land,
& after taking such evidence as both
parties may produce on the subject
may pass a new Decree on the merits
awarding costs.

Appinloch Forbes

D. D. Marden

MEMORANDUM OF COSTS incurred in Special Appeal No. 446 -
of 1864 against the decision of the *Acting Judge* of the
District of *the Nonkew* and disposed of on the *19th Sept. 1864*
by *remanding the same for retrial*

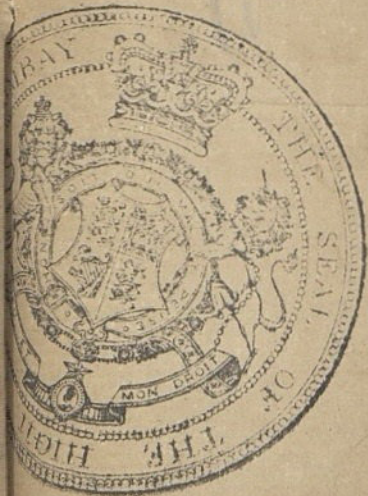
IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	2	0	0	✓	
Stamp for Vukeelutnama	2	0	0	✓	
Batta for Process and Postage	1	0	0	✓	
Sectioner's Fee	1	3	2	✓	
Vukeel's Fee one-fourth	"	"	9	✓	
			6	3	11
Rupees....			6	3	11

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	0	0	✓	
Vukeel's Fee one-fourth	"	"	9	✓	
			2	0	9
Rupees....			2	0	9



Plush
For Acting Registrar

Plush
For Sealer

The 19th day of September 1864.

merits in the
usage

Issued a certificate on the Breaching
of the Collector of Panna for the refund
of Rupees ^{one} being the value of stamps used
for Special appeal in this case
19th September 1864

[Signature]
For Acting Registrar

Certificate delivered to
Panna

4/11/64

For Acting Registrar

19th September

19th September 1864