

In the High Court of Judicature, Bombay

Friday, the 16th day of September 1864

SPECIAL APPEAL No. 447 of 1864.

Gopal Ramchundur Kar

= with of the Konkani

District (Original Plaintiff)

Appellant,

versus

Govind Vishwanath Kale, de.
= ceases his son and heir Hari; and
Mahadaji Narayan Kale deceased,
by his son and heir Subharam
Mahadev Kale; and Saraswati
= tibia's Wife of Govindrav
Sajaram Totnis of the Kon-
= Kan District

Respondents,

(Original Defendants)

Rs. 131-7-9.

The claim in the Original Suit was to carry out the purchase of 25 fields of wares Talooka Callian.

In Appeal No. 205 of 1863 (the Assistant Judge of the District of the Decree of the the Konkani at Puroy. of Callian who Jamnal confirmed had thrown out the claim.)

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the Assistant Judge is against law in that the lower court has held that a written contract cannot

cannot be varied or altered by sub-
sequent Parak agreement, that (2)
the Assistant Judge has held that
23 years' possession is sufficiently long
time to give the possessor an absolute
proprietary title; and that (3) the
lower court has held the agreements
acknowledgment ~~to~~^{by} made by Govind
not binding upon Successam, this
is contrary to law - Successam be-
ing privy in estate.

The court confirms the decree of the
Assistant Judge with costs.

H. C. C. C.

A. M. Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 447.

of 186 4. against the decision of the *Asstt Judge* of the District of *The Nonkum* and disposed of on the 16th September 1864 by *Confirming the same with Costs.*

BY THE APPELLANT—

In the District.

In the <i>Moonsiff's Court (including Fee)</i>	27	27	✓
In the <i>Asstt Judge's Court</i>	15	57	✓
<i>In this Court.</i>			
Stamp for Memorandum of Special Appeal	8	" "	✓
Stamps for copies of Decree and Judgment	3	8 "	✓
Stamp for Vukeelutnama	2	" "	✓
Batta for Process and Postage	2	14 "	✓
Sectioner's Fee	1	12 "	✓
Vukeel's Fee	3	15 "	✓
		22	1 2 ✓
		Rupees	64 8 10 ✓

BY THE RESPONDENT

In the District.

In the <i>Moonsiff's Court</i>	21	33	✓
In the <i>Asstt Judge's Court</i>	15	53	✓
<i>In this Court.</i>			
Stamp for Vukeelutnamas <i>two</i>	4	" "	✓
Vukeel's Fee	3	15 "	✓
		7	15 1 ✓
		Rupees	44 7 7 ✓



Ch. Som...
For Sealer

Ch. Som...
For Acting Registrar

The 16th day of September 1864