

In the High Court of Judicature, Bombay.

Monday, the 4<sup>th</sup> day of July 1864.

SPECIAL APPEAL No. 45 of 1864.

Trimbuk Huri Gudre deceased, his  
son and heir Likhshunna a minor by  
his uncle and guardian Ramchund  
Huri Gudre of the Putnagiri Division  
of the Kankum District (Original Defendant) } Appellant

versus

Govindrao bin Vikramrao Rane  
of the Putnagiri Division of the  
Kankum District (Original Plaintiff) } Respondent

Rs. 85. - - -

The claim in the Original Suit was to redeem a tenth share  
in a Khotee village

In Appeal No. 141 of 1860 the Senior Ass. Judge  
of the District of the Concan at Putnagiri affirmed  
the Decree of the ~~Magistrate~~ <sup>Magistrate</sup> who decreed for Plaintiff

A Special Appeal was preferred in the High Court on the grounds that (1) because  
the Court below having held that the Deed No. 10 was  
duly executed by and binding on the defendant was in  
error in declaring it invalid in consequence of an  
erasure in an immaterial part thereof the same  
not

not affecting the consideration money mentioned  
in it: that (2) because the Court below held that  
there was a settlement of the mortgage debt  
without any evidence to that effect and not  
withstanding the finding of the Court that the  
payments made were so made on account  
of the mortgage. The decision is inconsistent  
and repugnant and is therefore untenable:  
that (3) because the presumptions of Law raised  
by the Court below are not warranted by the  
facts and the Court disregarded the unstamped  
accounts though they were held to be admissible  
in evidence and valid. The Court was wrong  
in disregarding the accounts which were held to  
be admissible in evidence though unstamped  
and making a decree before doing so.

Decree affirmed with costs

4<sup>th</sup> July 1864

Joseph Arnold  
K. C. S. M.

Bill

Bill of Costs

By the Appellant  
In the District

In the Mooniffs Court (including V. Fee) ————— 47. " 10  
D<sup>o</sup> Senior App<sup>ts</sup> Judges Court ————— 7. 2. 1. 54. 2. 11.

In this Court

Stamp for memo: of special appl<sup>l</sup> ————— 8 " " "  
Stamps for Copies of decree & judg<sup>t</sup> ————— 3. " " "  
Stamp for Vukalutnauwa ————— 2 " " "  
Batta for Process and Postage ————— 1. 3. " "  
Sectioner's Fee ————— 2. 9. 6  
Vukael's Fee. ————— 2. 8. 10 19. 5. 4  
Rupees. 73. 8. 3.

By the Respondent  
In the District

In the Mooniffs Court ————— 39. 6. 6.  
D<sup>o</sup> Senior App<sup>ts</sup> Judges Court ————— 3. 8. 10 42. 15. 4

In this Court

Stamp for Vukalutnauwa ————— 2 " " "  
Vukael's Fee. ————— 2. 8. 10 4. 8. 10  
Rupees — 47. 8. 2



M. J. J. J.  
Acting Registrar

M. J. J. J.  
Sealer

The 4<sup>th</sup> day of July 1864.