

Poona Salapur

In the High Court of Judicature, Bombay.

Friday, the 16th day of September 1864.

SPECIAL APPEAL No. 452 of 1864.

Murimoodin Wulud Khan
Shojan Sahib deceased his son
and heirs of Khabosahib and
Kansahib, and Musraddin
and Amiraddin Wulud
Shojan Sahib of the Poona District.
(Original Defendants)

Appellants

versus

Nizamuddin Wulud
Fuzloodin of the Poona
District (Original Plaintiff)

Respondent

Rs. 15-0-0

The claim in the Original Suit was to recover a third share
of some land, as heir to a person deceased.

In Appeal No. 1057 of 1862 the Assistant Judge
of the District of Poona at Poona reversed
the Decree of the District Judge of Poona who had thrown out the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) sub-
stantial errors in law in the inves-
tigation of the case have been
made which have produced errors
in

in the decision of the case upon its
merits, in that the onus of proof is
wrongly thrown upon the Appel-
= lants, that (2) the Assistant Judge
has misread the document N^o. 10 de-
= claring it invalid on the grounds
he has done since it was signed,
and completed by the parties to it.
that (3) the Respondent having ad-
= mitted that there was a division
in the family the onus of proving
that the property in question
was left undivided at the time
should have been thrown upon
him: and that (4) the claim is
barred by the law of limitation.

The Court reverses the Decree of
the Ass^t Judge and confirms
his Decree of the Mousiff. Court
on Special Respondent.

Joseph Arnold
Abhinav Forbes.

MEMORANDUM OF COSTS incurred in Special Appeal No. 452

of 186 4 against the decision of the *Sptt Judge* - of the District of *Poona* and disposed of on the *16th Sep^r 1864* by *reversing the Decree of the a^{pto} Judge and Confirming that of the Mooniff*

BY THE APPELLANT

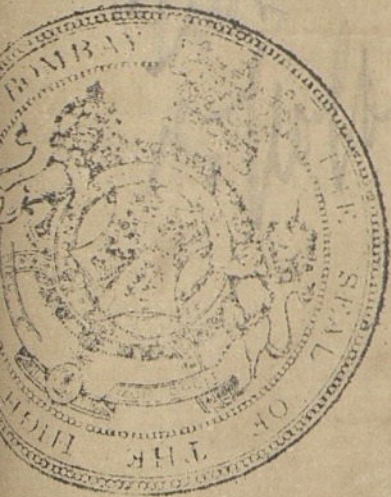
In the District.

In the <i>Mooniff's Court</i>	1	73		
In the <i>Sptt Judge's Court</i>	1	152		
			3	64
<i>In this Court.</i>				
Stamp for Memorandum of Special Appeal	1	"		
Stamps for copies of Decree and Judgment	1	8		
Stamp for Vukeelutnama	2	"		
Batta for Process and Postage	1	4		
Sectioner's Fee	"	14		
Vukeel's Fee	"	7		
			7	15
Rupees....			10	79

BY THE RESPONDENT.

In the District.

In the <i>Mooniff's Court</i>	4	132		
In the <i>Sptt Judge's Court</i>	3	128		
			8	90
<i>In this Court.</i>				
Stamp for Vukeelutnama	"	"		
Vukeel's Fee	"	"		
Rupees....			8	90



Adalat
For Acting Registrar

Adalat
For Sealer

The 16th September 1864