

In the High Court of Judicature, Bombay.

Friday, the 9th day of September 1864.

SPECIAL APPEAL No. 455 or 1864.

Rukhmap Venkaj Shetkassar
of the Konkun District

Appellant,

(Original Plaintiff)

versus

Kanoo Govind Shet and Govind
Balshet and Lukshumen
Govind Shet of the Konkun
District

Respondents,

(Original Defendants)

Rs. 430-0-0

The claim in the Original Suit was to recover debt due on a promissory note.

cross
In Appeals No. 422 & 484 of 1863 the Assistant Judge of the District of the Konkun at Tannah amended the Decree of the hon^{ble} J. Tannah who had decreed for the Plaintiff awarding him Rs 400, by awarding him Rs 170 only and adding Plaintiff with the cost.

A Special Appeal was preferred in the High Court on the grounds that (1) there have been substantial errors in law in the investigation of the case which have produced errors in the decision of the case upon the merits in

in that

(a) The Appellant being the Plaintiff upon a written acknowledgment of a debt admitted by the Defendants the onus was wrongly thrown upon the former to prove the amount paid it being on the Defendants to prove that they did not receive the amount

(b) If the Defendants received any sum whatever they would be bound to pay the whole sum promised, for the lower Court could not enquire into the adequacy of the consideration

(c) The amount remitted by the Plaintiff should not have been deducted unless the Court allowed the whole claim preferred by the Defendants

The Court ^{amends} ~~reverses~~ the Decree of the Assistant Judge by awarding Rs 600 (six hundred) to the Plaintiff (Special App) in the original Suit, with interest on that sum at 6 per cent till payment. The costs on Special Respondent's.

Joseph Arnould
Himloch Forbes
H. C. W. M.

MEMORANDUM OF COSTS incurred in Special Appeal No. 455

of 1864. against the decision of the Assistant Judge of the District of the *Hooghly* and disposed of on the 9th Sept^r 1864. by confirming the same with costs.

BY THE APPELLANT—

In the District.

In the <i>Moonsiff's Court</i>	75.10.6.	
In the <i>Ass^t Judge's D^o</i>	38.14."	

In this Court.

Stamp for Memorandum of Special Appeal	32. " "	
Stamps for copies of Decree and Judgment	3. " "	
Stamp for Vukeelutnama	2. " "	
Batta for Process and Postage	2.12 "	
Sectioner's Fee	1. 1. 6.	
Vukeel's Fee	12.14.4.	

114. 8. 6.

53.11.10.

Rupees.... 168. 4. 4.

BY THE RESPONDENT—

In the District.

In the <i>Moonsiff's Court</i>	40.6.6.	
In the <i>Ass^t Judge's D^o</i>	53.4."	

In this Court.

Stamp for Vukeelutnama	2. " "	
Vukeel's Fee	12.14.4.	

93.10.6.

14.14.4.

Rupees.... 108. 8. 10.



For Sealer

For Acting Registrar

The 9 day of September 1864—

For Acting Registrar