

In the High Court of Judicature, Bombay.

Monday, the 12th day of September 1864.

SPECIAL APPEAL No. 459 of 1864.

Milw bin Apa of the Satara
District

Appellant,

(Original Defendant.)

versus

Devji bin Sadu of the Satara
District

Respondent,

(Original Plaintiff)

Rs. 3-8-11

The claim in the Original Suit was to recover one half of a
conveyance, no. 179.

In Appeal No. 360 of 1863 the Judge
of the District of Satara at Satara reversed
the Decree of the Hon^{ble} J. J. J. who had thrown out the
claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the
decision of the District Judge is contrary to
law in that
a Possession being prima facie evidence
of

of title the lower court called upon the appellant who was in possession to explain how he came by it before the Respondent had made out any case

b The ^{Dist} Judge has disregarded the rule of law that Plaintiff in ejectment must depend upon the strength of his own title and not upon the weakness of that of his adversary

c A mere entry in the Revenue records cannot give title to the party in whose name it is made

And That ^{there} there has been a substantial error in law in the investigation of the case which has produced errors in the decision of the case upon its merits in that the Dist^t Judge ought to have laid down the following issues and given his finding thereon ^{viz} that (1) whether the appellant is a member of the same family as the Respondent that (2) whether the person in whose name the land was formerly entered was the appellants ancestor and that (3) how long has the appellant been in possession of the land.

The Court reverses the Decree of the District Judge, and confirms the Decree of the Moonsiff with costs on Special Appellant Respondent.

Joseph Arnold
Att. Genl. Forbes
H. Weston.

MEMORANDUM OF COSTS incurred in Special Appeal No. 459

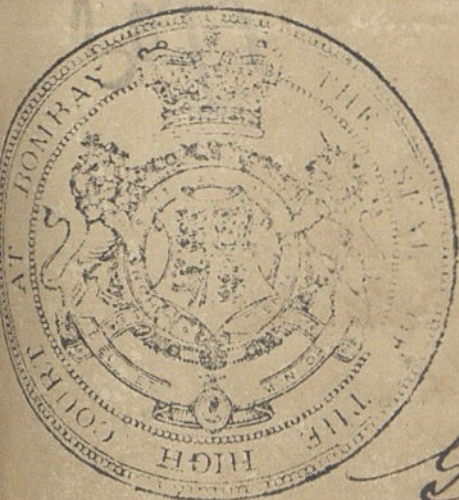
of 186 *4* against the decision of the Judge of the District of *Satara* and disposed of on the *12th September 1864* by reversing the decree of the District Judge & confirming that of the Mooniff.

BY THE APPELLANT—

In the District.			
In the <i>Mooniff's Court</i>	9	3	10
In the <i>Judge's Court</i>	1	1	8
In this Court.			10 5 C.
Stamp for Memorandum of Special Appeal	1	"	"
Stamps for copies of Decree and Judgment	2	"	"
Stamp for Vukeelutnama	2	"	"
Batta for Process and Postage	1	"	"
Sectioner's Fee	1	8	3
Vukeel's Fee	"	1	8
			7 9 11
		Rupees....	17 15 5

BY THE RESPONDENT.

In the District.			
In the <i>Mooniff's Court</i>	5	1	8
In the <i>Judge's Court</i>	2	1	0
In this Court.			7 12 4
Stamp for Vukeelutnama	2	"	"
Vukeel's Fee	"	1	8
			2 1 8
		Rupees....	9 14 "



G. H. Somnath
For Acting Registrar

G. H. Somnath
For Sealer

The 12th day of September 1864