

Poona & Solapur

In the High Court of Judicature, Bombay.

Wednesday, the 1 day of August 1868

SPECIAL APPEAL No. 460 of 1864.

Bhaoo alias Pukkumaji bin +
Sanojee as minor by his mother
and guardian Phimari +
and Govindrao bin Sa- } Appellants,
-baji of the Poona Dis-
-trict (Original Plaintiffs)

versus

Nodaji and Bapooji, sons
of Pampji, and Hurji bin } Respondents,
Godhaji and Krishnaji
bin Hurji of the Poona
District (Original Defendants)

Rs. 150-0-0

The claim in the Original Suit was to recover possession of
certain Ancestral lands with mesne
profits fraudulently appropriated by Defendants.

In Appeal No. 199 of 1863 the Assistant Judge
of the District of Poona at Poona reversed
the Decree of the Juffat-Iullegam who had awarded the claim

A Special Appeal was preferred in the High Court on the grounds that sub-
stantial errors in law in the investiga-
-tion of the Case have been made
which have produced errors in the
decision

decision of the case upon its merits, in that the points for trial are not properly laid, and material questions at issue are left undecided viz, has Govindrow proved that the land belongs to the mortgagor, and are the mortgage bonds proved, and was he in possession of it as alleged by him; that (3) the Respondents are estopped from disputing appellants' title to the land in dispute since they have attested the mortgage bonds N^{os} 3, 5, 6, and 13, which declare that the land in dispute is the Enam Fatafke of the 1st Plaintiff; that (3) both the Munsiff, and the Assistant Judge having not laid down the points for trial properly, as laid down in Para 1 the Appellant Govindrow had no opportunity of producing his evidence; that (4) the Assistant Judge was in error in not enquiring into the genuineness or other vices of the mortgage bonds filed in the case to shew that the land in dispute was mortgaged to Passaje and again mortgaged to Govindrow to pay off Passaje's debts since they are attested by the Respondents; and that (5) the Munsiff admitted the Sarkhette N^o 22 as genuine without receiving any proof on the subject the Assistant Judge was in error in holding it as not proved without offering any opportunity to the Appellants to produce their evidence.

His Honor finds that material issues in this case have

MEMORANDUM OF COSTS incurred in Special Appeal No. 460.

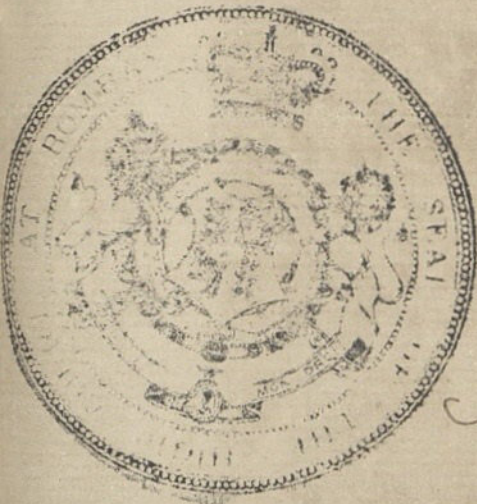
of 1864, against the decision of the *Asstth Judge* of the District of *Poona* and disposed of on the *1st August 1866* by reversing the decree of the *Asstth Judge* & confirming that of the *Moonsiff*

BY THE APPELLANT

| | | | |
|--|----------------|---|--------------------|
| <i>In the District.</i> | | | |
| In the <i>Moonsiff's Court</i> | 31 - - | ✓ | |
| In the <i>Asstth Judge's Court</i> | 5 8 - | ✓ | |
| <i>In this Court.</i> | | | 36 8 - ✓ |
| Stamp for Memorandum of Special Appeal | 8 - - | ✓ | |
| Stamps for copies of Decree and Judgment | 3 - - | ✓ | |
| Stamp for Vukeelutnama | 2 - - | ✓ | |
| Stamp for an application to enter the name of the _____ | " - - | | |
| Batta for Process and Postage | 3 5 - | ✓ | |
| Sectioner's Fee | 1 10 2 | ✓ | |
| Vukeel's Fee | 4 8 - | | 24 15 2 ✓ |
| <i>Registration Fee</i> | <i>2 - 8 -</i> | | <i>22 7 2</i> |
| | Rupees | | 61 4 2 ✓ |
| | | | 58 15 2 |

BY THE RESPONDENTS.

| | | | |
|---|----------------|---|-----------|
| <i>In the District.</i> | | | |
| In the <i>Moonsiff's Court</i> | 20 9 9 | ✓ | |
| In the <i>Asstth Judge's Court</i> | 16 4 6 | | |
| <i>In this Court.</i> | | | 36 14 3 ✓ |
| Stamp for Vakeelutnama | 2 - - | ✓ | |
| <i>Bapooje's</i> Vukeel's Fee | 4 8 - | ✓ | 6 8 - ✓ |
| | Rupees | | 43 6 3 ✓ |



M. G. G. G.
Being Registrar.

J. W. Campbell

The *1st* day of *August* 186 *6*
Sealer.

Not been decided, ~~heard~~

The Court ~~advised~~ the decree of the
Assistant Judge and affirm that
of the Inossiff.

Costs throughout on the Defendants
(Special Respondents.)

Joseph Arnold
Wm. Parker.