

In the High Court of Judicature, Bombay.

Monday, the 7th day of Decr 1864

SPECIAL APPEAL No. 461 - of 1864.

Moolchand Labchand & Minon, by his uncle and manager Shoorbram & Dherraj of the Phandesh District

Appellant,

(Original Defendants)

versus

Sykesur Poolsiram

of the Phandesh District

Respondent,

(Original Plaintiff)

Rs. 1391-0-0

The claim in the Original Suit was to recover the amount due on account of a bill drawn by the defendants in favour of the plaintiffs and dishonoured by the acceptor.

In Appeal No. 173 of 1863 the Judge of the District of Phandesh at Shoolia pronounced the Decree of the P. Anwar Shodhan who had decreed for the plaintiffs, awarding interest only at 1 per cent per mensem instead of 1/2 per cent as claimed.

A Special Appeal was preferred in the High Court on the grounds that (a) the decision of the District Judge is opposed to law in that the Respondent

plaintiff having admitted that
no cash payment was made in ac-
count of the House, the District
Judge was in error in not throw-
ing the onus of proof upon him, that
(2) the House not bearing the true
date upon which it was drawn is
vitiated according to the custom
of the country, the District
Judge was therefore in error in
admitting the claim; and that (3)
the award of interest at the rate
of one per cent per mensem
(in the absence of any stipula-
tion) is excessive and is con-
trary to law and usage.

By
The Court Confirms
the decree of the Court below with
costs

R Couch
H. C. W. W.

MEMO

UM OF COcurred in Special Appeal No. 461

of 1864 against the decision of the Judge of the District of Khairabad and disposed of on the 7 Dec: 1864 by confirming the same with costs

BY THE APPELLANT—

In the District.

In the Princip ^l Super Amind. Court.....	22 111				
In the Judge's Court	96 69				
				119	100

In this Court.

Stamp for Memorandum of Special Appeal	50	..			
Stamps for copies of Decree and Judgment	4	..			
Stamp for Vukeelutnama	2	..			
Batta for Process and Postage	2	10	..		
Sectioner's Fee	2	1	11		
Vukeel's Fee	41	11	8		
				102	77
Rupees.....	221	9	5		

BY THE RESPONDENT.

In the District.

In the Princip ^l Super Amind. Court.....	127	12	8		
In the Judge's Court	42	3	8		
				170	" 4

In this Court.

Stamp for Vukeelutnama	2	..			
Vukeel's Fee	41	11	8		
				43	11 8
Rupees.....	213	12	"		



West
Sealer

West
Registrar