

Poona & Solapur

In the High Court of Judicature, Bombay.

Now day, the 12<sup>th</sup> day of September 1864.

SPECIAL APPEAL No. 465 of 1864.

Chopdi Alias Babaji  
bin Satiba Satav  
of the Poona Dis-  
trict

Appellant,

(Original Defendant)

versus

Satia bin Maskeo  
-da Satav of the  
Poona District

Respondent,

(Original Plaintiff)

Rs. 25-00-00

The claim in the Original Suit was to recover possession of an ancestral meers field, held by Defendant on mortgage.

In Appeal No. 76 of 1863 the Off<sup>r</sup> Judge of the District of Poona at Poona confirmed the Decree of the hon<sup>ble</sup> J. Patil who had decreed for the Plaintiff.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the Officiating Judge is contrary to law in that he was in error in holding that, because Respondent

Respondent had proved that at  
some time or other anterior to  
the date of his plaint he was pro-  
-prietor of the land in dispute,  
he was therefore entitled to sue  
Appellant, that (2) the Respondent  
having distinctly averred in his  
-plaint that Appellant held as mort-  
-gagor under him, and having  
-failed to prove the same he should  
have been now-sued with costs, -  
that (3) there has been a substan-  
-tial error in law in the investiga-  
-tion of the Case which has pro-  
-duced error in the decision of the  
case upon its merits, <sup>in</sup> that ~~the~~ of-  
-ficiating Judge erred in saying -  
that Appellant had produced abso-  
-lutely no proof there being evidence  
or proof on the Record of the Case -  
for Appellant: and that (4) the of-  
-ficiating Judge has not taken  
into consideration a presumption  
of fact arising from the circum-  
-stance that the land in question  
was transferred from Respondent's  
name to that of Appellant in the  
Government Books, and that Ap-  
-pellant has been more than 13 -  
years in possession this circum-  
-stance

= stance pointing strongly to the  
conclusion that Respondent had  
relinquished the land in question -

The Court confirms the decree  
of the officiating Judge with  
costs in Special Appellant -

Joseph Arnold  
Attendant  
Hewitt.

MEMORANDUM OF COSTS incurred in Special Appeal No. 465

of 186 4 against the decision of the *Officiating Judge* of the District of *Poona* — and disposed of on the 12<sup>th</sup> Sep<sup>r</sup> 1864 by *Confirming the same with Costs*

BY THE APPELLANT—

<i>In the District.</i>			
In the <i>Moonsiff's Court (including Fee)</i>	5 12	✓	
In the <i>Off<sup>g</sup> Judge's Court</i> —	4. 4 6	✓	
<i>In this Court.</i>			10 " 6. ✓
Stamp for Memorandum of Special Appeal	2 " "	✓	
Stamps for copies of Decree and Judgment	3 " "	✓	
Stamp for Vukeelutnama	2 " "	✓	
Batta for Process and Postage	" 15 "	✓	
Sectioner's Fee	" 10 6	✓	
Vukeel's Fee	" 12 "	✓	
			9 5 6. ✓
			Rupees.... 19 6 6. ✓

BY THE RESPONDENT.

<i>In the District.</i>			
In the <i>Moonsiff's Court</i>	7 6	✓	
In the <i>Off<sup>g</sup> Judge's Court</i>	1 12	✓	
<i>In this Court.</i>			9 2 " ✓
Stamp for Vukeelutnama	2 " "	✓	
Vukeel's Fee	" 12 "	✓	
			2 12 " ✓
			Rupees.... 11 14 " ✓



*G. S. M. S.*  
For Acting Registrar

*G. S. M. S.*  
For Dealer

The 12<sup>th</sup> day of September 1864.