

In the High Court of Judicature, Bombay.

Monday, the 19 day of September 1864

SPECIAL APPEAL No. 466 - of 1864.

Bapooji Govind +
Bhave of the Konkan
District - (Original Plaintiff)

Appellant

versus

Lakshman and
Wit Members of the
Konkan District - (Original Defendants)

Respondent

Rs. 20 - - - -

The claim in the Original Suit was to recover possession of 2 fields

In Appeal No. 403 of 1863 the Assistant Judge of the District of the Konkan at Saurashtra confirmed the Decree of the Munsiff who had thrown out the claim

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the Assistant Judge is contrary to law, in that he has admitted

admitted contemporaneous oral evidence to vary, or alter a written instrument, that (2) the Assistant Judge was wrong in taking into consideration the general feeling of tenants; and that (3) the burden of proving fraud in the agreement was not properly laid?—

The Court reverse the decree of the Assistant Judge & of the Plaintiff and direct that Respondent Luxmona will have full possession of the fields to Appellant Kappoojee, with the Respondent.

John Lock Forbes.

A. J. Martin

MEMORANDUM OF COSTS incurred in Special Appeal No. 466.

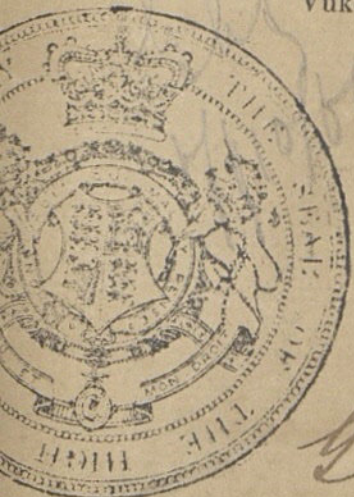
of 186 4 against the decision of the *ap^{te}* judge of the District of *the Nonkum* and disposed of on the *19th Sep^r 1864* by *reversing the Decrees of the Lower Courts.*

BY THE APPELLANT—

| In the District. | |
|---|------------------|
| In the <i>Moonseff's Court</i> | 6.147 |
| In the <i>ap^{te} Judge's Court</i> | 477 |
| In this Court. | |
| Stamp for Memorandum of Special Appeal | 2 " " |
| Stamps for copies of Decree and Judgment | 18 " " |
| Stamp for Vukeelutnama | 2 " " |
| Batta for Process and Postage | 11 " " |
| Sectioner's Fee | " " " |
| Vukeel's Fee | 497 |
| | 7.27 |
| | Rupees.... 11.62 |

BY THE RESPONDENT.

| In the District. | |
|---|-----------------|
| In the <i>Moonseff's Court</i> | 377 |
| In the <i>ap^{te} Judge's Court</i> | 197 |
| In this Court. | |
| Stamp for Vukeelutnama | 2 " " |
| Vukeel's Fee | 497 |
| | 2.97 |
| | Rupees.... 5.12 |



[Signature]
For Sealer
The 19th day of September 1864

[Signature]
For Ag. Registrar