

Poona & Solapur

In the High Court of Judicature, Bombay.

Thursday, the 29th day of September 1864.

SPECIAL APPEAL No. 470 - of 1864.

Chand Bibi Wive
- law of Nottaw Sa -
- hebi of the Poona -
District

Appellant

(Original Defendant)

versus

Murumbibi Kani -
Hoosar Sahab of
the Poona District

Respondent

(Original Plaintiff)

Rs. 400 - - - -

The claim in the Original Suit was to recover possession of some property appropriated by a lodger in P's house.

In Appeal No. 35 of 1863 the
of the District of Poona at
the Decree of the Hon. J. Poona who

Judge
Poona, reversed
had thrown out the claim

A Special Appeal was preferred in the High Court on the grounds that (1) a substantial error in law has occurred in the investigation of

of the Case which has produced
an error in the decision of the
Case on its merits, in that the
house in which the property in
dispute was kept, was in the
Appellants possession, whereas the
Appellate Court held that it was
in the Respondents' possession,
and allowed the claim which was
contrary to Exhibits Nos. 30 and 31,
that (2) the Appellant with a view
to keep her property secure was at
liberty to place a padlock in the
house in her possession, whereas
the Appellate Court erroneously
made her liable for the claim
only because she had placed the
padlock; that (3) the burden of
proving that the property belong-
ed to her (Plaintiff Respondent)
was on her while the onus pro-
bandi was wrongly thrown on
the Appellant; and that (4) the
material points at issue were
whether Respondent fraudulently
allowed

allowed a decree to be passed ~~as~~
~~against~~ her, and the Appellants' ~~and~~
property being taken. If she did
allow the property to be taken, ~~and~~
whether it became necessary for
the Appellant to place a pad-
lock (on the house) with a view
to secure the Appellants' (property),
if so, whether the Appellant could
be made liable for the claim only,
because she had placed the pad-
lock without the property being
proved (to be Respondents') Whereas
the said points were not laid ~~and~~
down for decision. -

The Court confirms the decree of the District
Judge with costs.

Abigail Forbes
H. P. Fisher

BY THE APPELLANT

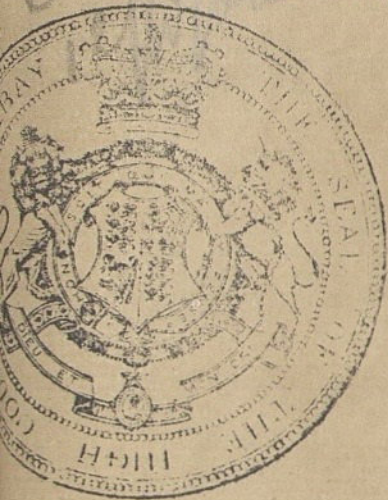
In the District.

In the Mooniffs Court.....	21	12	10	✓
In the Judges Court.....	29	6	0	✓
<i>In this Court.</i>				57.38 ✓
Stamp for Memorandum of Special Appeal	32	..	..	✓
Stamps for copies of Decree and Judgment	3	..	..	✓
Stamp for Vukeelutnama	2	..	..	✓
Batta for Process and Postage	1	1	..	✓
Sectioner's Fee	1	1	..	✓
Vukeel's Fee	12	..	..	✓
				57 2 .. ✓
Rupees....				102 58 ✓

BY THE RESPONDENT.

In the District.

In the Mooniffs Court.....	54	56	✓	
In the Judges Court.....	58	9	10 ✓	
<i>In this Court.</i>				112 15 4 ✓
Stamp for Vukeelutnama	2	..	.. ✓
Vukeel's Fee	12	..	.. ✓
				14 .. ✓
Rupees....				126 15 4 ✓



Mulash
For acting Registrar

Mulash
For Sealer
1 September 1864.