

In the High Court of Judicature, Bombay.

Tuesday, the 20 day of September, 1864

SPECIAL APPEAL No. 473 of 1864.

Lakshman Rao Inad =
= huroo Futourdhan
Sirdar of the 1st class
of the Satara District
(Original Plaintiff)

Appellant

versus

Thundrak Wulud
Rajnak Surranjanis
of the Satara Dis-
trict (Original Defendant)

Respondent

Rs. 1774 - 10 - 00

The claim in the Original Suit was to recover a balance of Rs. 1774-10-00 due to Surranjanis as Sirdar of the village of Wulud.

In Appeal No. 365 of 1864 the Judge of the District of Satara at Satara reversed the Decree of the Magistrate who had awarded to the Plaintiff the sum of Rs. 1774-10-00 to be paid with interest & costs.

A Special Appeal was preferred in the High Court on the grounds that the decision of the District Judge is contrary to law in that
1. The Defendant has admitted in his statement that Rs. 1774-10-00 were

were paid annually in account of the Sanks of the Deshmooki and Surdeshmooki Wuttans - from Fusti year 1229 to A.D. 1819, and therefore the enjoyment of more than 30 years should not have been interfered with,

2. The appellant has stated in the plaint what payments were made and the Respondent acknowledges the same, and contends that Papes 6-10-6- were received more, whereas the District Judge threw out the claim on the ground that the accounts were not produced, instead of awarding it.

3. The Defendant having admitted that Papes 251 are to be paid annually, the onus of proving payments should have been thrown on him, and not on the appellant.

That a substantial error in law has occurred in the investigation of the case which has produced error in the decision of the case upon its merits in that,

4. The suit having been filed before the Act came into force, the lower Court erred in applying the Law of limitation.

5. The period of limitation should have been computed from the date of the Defendants admission and from the date of last payment made by

the

The Defendant.

The Court reverse the decree of the
S^d Judge and remain the case in order
that the S^d Judge may determine whether
the payments which Luxmona received,
were received from Edmundsack himself,
in which case it will be on Edmundsack
to prove how much he paid ~~or whether~~
or whether he received them from the
villagers direct or thro' Edmundsack's
interposition, in which case it will be on
Luxmona to prove what had come
he had received. The S^d Judge is desired
a new decree in the merits, paying due
attention to the above instructions and
costs.

Approved Forth.

S^d M^d

MEMORANDUM OF COSTS incurred in Special Appeal No. 473.

of 186 4 against the decision of the Judge of the
 District of *Satara* - and disposed of on the 20th Sep. 1864
 by *remanding the same for retrial*

IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	3	..	✓
Stamp for Vukeelutnama	2	..	✓
Batta for Process and Postage	1	4	✓
Sectioner's Fee	1	13	8
Vukeel's Fee one-fourth	13	5	✓
			21 68
	Rupees	21	68

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	..	✓
Vukeel's Fee one-fourth	13	5	✓
			155
	Rupees	155	✓



[Handwritten Signature]

For acting Registrar

[Handwritten Signature]

For Sealer

The 20: day of September 1864.

Issued certificates on Her Majesty's Treasury
Bank of Bombay for the refund of Rs (100)
being the value of Stamp used for Special Appeal
in this case.

20th September 1864.

[Signature]

For acting Registrar

[Signature]

Certificate of refund to the Treasury

100
100
100
100

100
100

100

100

[Signature]

[Signature]

[Signature]