

In the High Court of Judicature, Bombay.

Monday, the 19 day of September 1864

SPECIAL APPEAL No. 475 or 1864.

Hunmanta bin Boobaji Patell
of the Ahmednugur District

Appellant,

(Original Plaintiff)

versus

Mahadoo bin Jhooglaji Patell
of the Ahmednugur District

Respondent,

(Original Defendant.)

Rs. 50-0-0

The claim in the Original Suit was to cause the removal of certain buildings erected by Mahadoo on a piece of land which the Plaintiff claimed & begged to have restored to them.

In Appeal No. 210 of 1862 the Assistant Judge of the District of Ahmednugur at Ahmednugur reversed the Decree of the Muzaffar Ali Khan who had decreed in favor of the Plaintiff.

A Special Appeal was preferred in the High Court on the grounds that (1) there has been a substantial error in law in the investigation of the case which has produced error in the decision of the case upon its merits in the the

the Acting Assistant Judge has admitted evidence in the shape of written statements to contradict Appellant's witnesses, although they are not proved in any way that (2) the Acting Assistant Judge admitted these statements in evidence though they were not made on oath or solemn affirmation and that (3) the Acting Assistant Judge has omitted to give any opinion on the whole of the evidence recorded on behalf of Appellant.

The Court conform the decree of the Acting J. with costs on Sp. Appt.

Attest: Thomas Forbes

ATTEST

MEMORANDUM OF COSTS incurred in Special Appeal No. 475
of 186 4 against the decision of the *Asst^g Judge* of the
District of *Shirduingar* and disposed of on the 19th Sep^r 1864
by *Confirming the same with costs*

BY THE APPELLANT—

<i>In the District.</i>			
In the <i>Moonieffs Court</i>	9	12	00
In the <i>Asst^g Judge's Court (including Vukeel's Fee)</i>	13	3	00
<i>In this Court.</i>			
Stamp for Memorandum of Special Appeal	4	00	00
Stamps for copies of Decree and Judgment	4	00	00
Stamp for Vukeelutnama	2	00	00
Batta for Process and Postage	1	6	00
Sectioner's Fee	00	15	90
Vukeel's Fee	1	8	00
			13. 139
			Rupees.... 36. 129

BY THE RESPONDENT.

<i>In the District.</i>			
In the <i>Moonieffs Court</i>	6	14	00
In the <i>Asst^g Judge's Court</i>	13	13	00
<i>In this Court.</i>			
Stamp for Vukeelutnama	2	00	00
Vukeel's Fee	1	8	00
			30. 800
			Rupees.... 24. 300



Ch. Somashekhar
For Acting Registrar

Ch. Somashekhar
For Dealer

The 19th day of September 1864