

In the High Court of Judicature, Bombay.

Monday, the 12th day of September 1864.

SPECIAL APPEAL No. 476 of 1864.

Dhondoo Baboochet Sonar
of the Konkan District

Appellant

(Original Plaintiff)

versus

Jairam Khundshet and
Kashinath Lukshumunshet
of the Konkan District

Respondent.

(Original Defendants)

Rs. 32- " -"

The claim in the Original Suit was to obtain possession of
a Kheer Ja hova.

In Appeal No. 476 of 1863 the Assist. Judge
of the District of the Konkan at Tanjore confirmed
the Decree of the Court of Appeal who had thrown out the claim.

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

upon its merits in that N^o. 3 being in
the nature of a receipt or an acknowledg-
-ment the lower courts were in error in
rejecting it as inadmissible in evidence
for want of stamp that (2) Gairam having
admitted the execution of N^o. 3 and Kashi-
-nath having admitted in N^o. 24 that he
himself and Gairam were united in
interest the lower courts were in error in
throwing out the claim that (3) the burden
of proof was wrongly thrown on the appellant
and that (4) the suit is not barred by
limitation in as much as 12 years' posses-
-sion is not sufficient in law to create
a prescriptive title.

This Court in accordance
with Decree in Sp Appeal No 205 of
1861, holds that the writing
No 3 being a mere acknowledgement
of tenancy, and not a deed of
agreement within the meaning
of Section 10 of Reg^l XVIII of 1824 did
not require a stamp, and
the Ass^t Judge having wrongly
held that it did, his Decree

MEMORANDUM OF COSTS incurred in Special Appeal No. 476.

of 1864 against the decision of the *appt. Judge* of the District of *the Konkan* and disposed of on the *12th Sep^r 1864* by *remanding the same retrial.*

IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	18	✓
Stamp for Vukeelutnama	2	✓
Batta for Process and Postage	110	
Sectioner's Fee	106	
Vukeel's Fee one-fourth	310	
		64
Rupees ...		64

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	✓
Vukeel's Fee one-fourth	310	✓
		2310
Rupees....		2310



August
For Sealer
For Acting Registrar

The 12th day of September 1864.

Issued a certificate on the Treasury
of the Collector of Louisiana for the
refund of Reapers two being the
value of stamps used for special
appeal in this case

12th September 1864

[Signature]

J. W. Acton Registered

[Signature]

[Faint signature]

[Faint signature]

[Faint signature]

is reversed, and the case remanded
for a fresh decision on the
merits, weight being given to
the writing No 3 if proved - Costs
to follow the final decision.

Joseph Arnold.
Abingdon Park.

A. W. M. D.