

Poona & Solapur

In the High Court of Judicature, Bombay.

Tues day, the 20 day of Sept^r 1864.

SPECIAL APPEAL No. 478 of 1864.

Lakshmunu Nursing-
-rao Satulay Deshmukh
his Inoottiar Keshu Rao
-ri Limaye of the Poona
-na District

(Original Plaintiff)

Appellant,

versus

Anundrao Ramchandra
Meheday of the Poona
District (Original Defendant)

Respondent,

Rs. 93-8-0-

The claim in the Original Suit was to recover possession
of some land

In Appeal No. 478 of 1864 the District Judge
of the District of Poona at Poona recorded with
costs the Decree of the Muzaffar Ali who had awarded the claim

A Special Appeal was preferred in the High Court on the grounds that (1) sub-
-stantial error in law in the inves-
-tigation of the case has been made
which has produced error in the
decision

decision of the case upon its merits, in that the claim being for the possession of land the Assistant Judge was in error in throwing out the claim on the ground that he had no jurisdiction to try the suit; that (2) the Assistant Judge was in error in ruling that it is not competent for a superior holder to eject his tenants, or rather the under tenants so long as they pay the agreement whereas in the absence of any special agreement to the contrary it is competent for him to do so; that (3) the Assistant Judge was in error in holding that it is incompetent for a superior holder to demand rent in excess to the one paid to Government whereas according to law, and custom of the country the landlord could demand or increase rent to any amount; that (4) Section 31 of Regulation 17 of 1827 is wrongly applied to this case; and that (5) the Defendant being a tenant at will and having declined to pay the rent the Assistant Judge was in error in not ejecting him.

The Court hold that the Assistant Judge was in error in considering that the suit was one which ought to be tried in a Revenue Court, & which was not within the jurisdiction of the Civil Court. The point for decision in this case is whether the Plaintiff

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MEMORANDUM OF COSTS incurred in Special Appeal No. ~~481~~

of 186 4 against the decision of the Judge ----- of the
 District of Poona and disposed of on the 20th Sep^r 1864
 by remanding the same for retrial

IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	3	8	0	✓
Stamp for Vukeelutnama <i>two</i>	4	0	0	✓
<i>Stamp for a copy of mookhtearnama</i>	11	8	0	✓
Batta for Process and Postage	1	8	0	✓
Sectioner's Fee	1	7	0	✓
Vukeel's Fee one-fourth	11	3	0	✓
			11 3 0	✓
			Rupees ... 11 3 10	✓

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	0	0	✓
Vukeel's Fee one-fourth	11	3	0	✓
			2 11 3	✓
			Rupees.... 2 11 3	✓



Shankar
 For Acting Registrar
 August 1864

Issued a certificate on Her Majesty's
Treasury Bank of Bombay for the
refund of Rupees eight being the
value of stamps used for special
appeal in this case.

20th September 1864

(Signature)

For Acting Registrar

Certificate delivered

Rangaswami

(Signature)

11/8/64

11/8/64

11/8