

In the High Court of Judicature, Bombay.

Monday, the 12th day of September 1864.

SPECIAL APPEAL No. 479 of 1864

Yado & Moro & Babaji and
Chimnaji Pandoorung & Bhimabai
widow of Rungo Pandoorung of the
Khandesh District (Original Defendants)

Appellants.

versus

Sukharam Rughoonath of the
Khandesh District

Respondent

(Original Plaintiff)

Rs. 30-0-0

The claim in the Original Suit was to obtain possession of a site of building land, to establish a proprietary right thereto and to prevent Defendants encroaching thereon.

In Appeal No. 181 of 1862 the Judge of the District of Khandesh at Dookie on a remand for retrial from the High Court reversed the decree of the Judge of the District who had thrown out the claimant.

A Special Appeal was preferred in the High Court on the grounds that 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.

merits in that in the absence of any proof
as to the appellants being united in interest
and Rungo being the manager of the family
property the District judge was in error
in holding the agreement N^o. 3 binding on the
appellants; that (2) the said agreement having
been executed under the old stamp laws the
Moonsiff was in error in allowing it to be
stamped under the provisions of act 36
of 1860; that (3) the appellants not being
parties to the deed N^o. 25 it should not have
been held to be a legal evidence in the
case and that (4) as the law of limitation
the District judge assigns no reason for
his decision —

The Court confirms the Decree
of the District Judge with costs in
Special Appellants.

Joseph Arnold
Attorney for the
Appellants.

MEMORANDUM OF COSTS incurred in Special Appeal No. 479

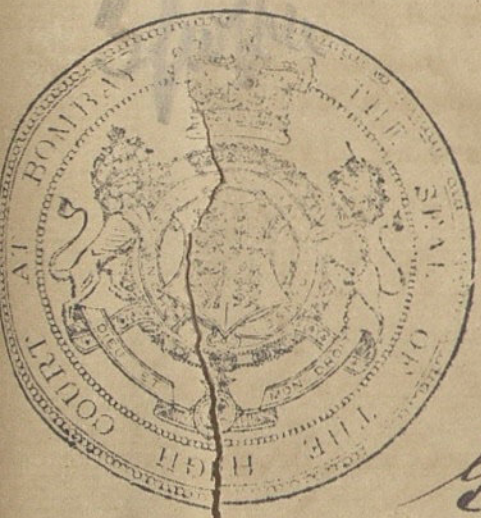
of 186 4 against the decision of the Judge, of the District of Khairat and disposed of on the 12th Sept. 1864 by Confirming the same with costs

BY THE APPELLANT

| In the District. | | | |
|--|---|------------|------------|
| In the Moonjeff's Court | 8 | 7 | 10 ✓ |
| In the Judge's Court | 3 | 10 | " ✓ |
| | | | 12 1 10 ✓ |
| In this Court. | | | |
| Stamp for Memorandum of Special Appeal | 2 | " | " ✓ |
| Stamps for copies of Decree and Judgment | 2 | " | " ✓ |
| Stamp for Vukeelutnama | 2 | " | " ✓ |
| Batta for Process and Postage | 1 | 4 | " ✓ |
| Sectioner's Fee | 1 | 2 | 3 ✓ |
| Vukeel's Fee | " | 14 | 5 ✓ |
| | | | 9 4 8 ✓ |
| | | Rupees.... | 21. 6 6. ✓ |

BY THE RESPONDENT.

| In the District. | | | |
|-------------------------|----|------------|----------|
| In the Moonjeff's Court | 11 | 4 | 5 ✓ |
| In the Judge's Court | 14 | 14 | 11 ✓ |
| | | | 26 3 4 ✓ |
| In this Court. | | | |
| Stamp for Vukeelutnama | 2 | " | " ✓ |
| Vukeel's Fee | " | 14 | 5 ✓ |
| | | | 2 14 5 ✓ |
| | | Rupees.... | 29 1 9 ✓ |



G. H. Sumner
For Acting Registrar

G. H. Sumner
For Sealer

The 12th day of September 1864.