

In the High Court of Judicature, Bombay.

Tu day, the 1 day of April 1864

SPECIAL APPEAL No. 48 OF 1864.

Dadabhai Dalabhai ^{Parce} of the Kankar District
Appellant
(Original Plaintiff)

versus

The Collector of Tanua of the Kankar District
Respondent
(Original Defendant)

Rs. 45-8-6.

The claim in the Original Suit was to Enquiry the Acting Collector of Tanua decreed that the Survey Book should be based on certain land upon which only a quit rent had hitherto been paid. In Appeal No. 395 of 1862 the Judge of the District of the Kankar at Tanua confirmed the Decree of the Acting Collector with cost.

A Special Appeal was preferred in the High Court on the grounds that the decision of the Acting Judge is contrary to law, in that, the Acting Judge adjudicated in the year 1863. in a matter in which the

the sole notice issued to Appellant under Section
 XL Regulation ^{XVII} XVIII of 1827 bears date the 19th
 June 1836 such notice being in itself time expired
 no proceedings having been ~~made~~ ^{taken} thereon until
 1862 A.D. that (2) the Acting Judge has mis-
 construed the exhibit No. 3 in holding that it
 did not confer on Appellant a right to hold
 the land in question permanently at a fixed
 yearly rental of Rs. 30: that (3) the collector's
 notice to Appellant not being according to the
 form specified in Appendix D to Regulation
 XVII of 1827 the whole of the proceedings held
 thereon by the collector are null and void
 and should have been annulled by the Acting
 Judge for want of jurisdiction on the part of the
 Collector: that (4) whatever the value of the
 grant produced by Appellant he has acquired
 a title by prescription to hold the land at the
 rental specified in exhibit No. 3.

The Court confirms the
 decree of the court below with costs

Whitlock Forbes.

Bill of Costs

H. Couch

By the appellant

In the District

In the Judge's Court

12 " 3.

In this Court

Stamp for Memo. of special appeal

8 " "

Stamps for Copies of decree & judgment

3 " "

Stamp for Vakhatuana

2 " "

Butta for Process and Postage

" 4 "

Sectioner's Fee

1-10-6

Vakhatu's Fee

2-4-3

17 29
 Rupees 29-3-11

By

By the Respondent
In the District
In the Judge's Court

2.12.3.

In this Court

Stamp for Vukateluanua

2 " "

Vukeli's Fee.

4.4.3. 4.4.3.

Rupees 7 " 6.



R West
Registrar

R West
Sealer
The 1st day of April 1864