

Poona Appeal

In the High Court of Judicature, Bombay.

Thursday, the 23 day of March 1865

SPECIAL APPEAL No. 490 of 1864

Bapooji bin Apaji Rao,
deceased, his heir his wife Baji Appellant
of the Poona District.
(Original Defendant.)

versus

Mankoji bin Poojajee
Bhall of the Poona District Respondent
" " " "
(Original Plaintiff.)

Rs. 144-0-0

The claim in the Original Suit was to recover rent of a shop.

In Appeals Nos 456 & 485 of 1860 the Assistant Judge
of the District of Poona at Poona on a remand from the High Court
the Decree of the Court at Poona who had awarded Rs 72 of the claim & awarded
Rs 144 of the claim.

A Special Appeal was preferred in the High Court on the grounds that the decision of
the Assistant Judge is contrary to Law in
that (1) the document No 40 being ever
- cited in 1845 more than 12 years before

the filing of the present suit, is void at Law, and consequently the award of the claim by the Appellate Court on the strength thereof is against section 7 of Regulation V of 1827; that (2) the rent note being on plain paper the award of more than 10 Rs. on the strength thereof is against the provision of Section 3 of Regulation XVIII of 1827; that (3) there has been a substantial error in Law in the investigation of the case, which has produced error in the decision thereof upon its merits in that half of the part of the house said for being in the appellants possession it was an error to have awarded rent for the whole part; that (4) before it is proved that the respondent is in possession of a document passed by the appellant or that the latter was in the habit of paying rent to the former, it is an error to throw the liability on the appellant; and that (5) the appellant derives her liability through the deceased to the same extent as that of the latter, that is to the rent which had accumulated till the time of his death and she ought to have been held liable to that extent only since after his death the deceased was no longer a house tenant & could not transmit his liability to the appellant.

Court enforces the Decree of the Assize.
Judge with costs in Spl. Exp^{ts}.

Abimeach Forbes

Apply Pucher

MEMORANDUM OF COSTS incurred in Special Appeal No. 490

of 1864 against the decision of the Assistant Judge of the District of Poona and disposed of on the 23rd March 1865 by confirming the same with costs.

BY THE APPELLANT—

In the District.			
In the Moonsiff's Court	7. 3. 5		
In the Assis ^t Judge's Court.	22. 6. 4		
			29. 9. 9
In this Court.			
Stamp for Memorandum of Special Appeal	8 " "		
Stamps for copies of Decree and Judgment	3 " "		
Stamp for Vukeelutnama	2 " "		
Batta for Process and Postage	" 15..		
Sectioner's Fee	2. 1. 6		
Vukeel's Fee	4. 5. 2		20. 5. 8
		Rupees...	49. 15. 5

BY THE RESPONDENT.

In the District.			
In the Moonsiff's Court	20. " 11		
In the Assis ^t Judge's Court.	38. 2. 1		
			58. 3. "
In this Court.			
Stamp for Vukeelutnama	2 " "		
Vukeel's Fee	4. 5. 2		6. 5. 2
		Rupees...	64. 8. 2



W. Lase
Sealer

The 23rd day of March 1865.

P. West
Registrar