

In the High Court of Judicature, Bombay.

Holmes day, the 28<sup>th</sup> day of September 1864.

SPECIAL APPEAL No. 491 of 1864.

Krishna bin Baboo Gooroo  
of the Satara District

Appellant

(Original Plaintiff)

versus

Apa bin Sukharam and  
Nesoo bin Sukharam Tamboli  
of the Satara District

Respondents.

(Original Defendants)

Rs. 30-8-11

The claim in the Original Suit was to *redeem and recover possession*  
of some Government land which had been mortgaged  
by Plaintiff's father.

In Appeal No. 334 of 1863 the *Judge*  
of the District of *Sattara* at *Sattara* reversed  
the Decree of the *Magistrate* who *had thrown out the claim*

A Special Appeal was preferred in the High Court on the grounds that (1) the  
decision of the District Judge is  
contrary to usage having the force of  
law

law in that interest exceeding the principal cannot be awarded, such an award, therefore, is contrary to law and the shastras, vide decision Nos. 10 + 11; that (2) there has been a substantial error in law in the investigation of the case which has produced an error in the decision thereof in that the rate of interest agreed on in the documents Nos. 10 and 11 is for five years and not for a longer period, the interest, therefore, ought not to have been awarded till the date of full payment; that (3) the land was in the possession of the respondents, the produce thereof ought to have been allowed to the appellant and a balance fixed on after deducting the same from what is due to the respondents.

The Court amends the Decree of the Judge and passes a decree for redemption on payment of the principal sum of Rs 101; with interest equal to the principal up to the date of suit, within six months from the date of the decree, with interest at 9 percent per annum from the date of suit to the date of payment.

The Plaintiff unless he pay within the time

specified, to be foreclosed.

Each party to bear his own costs.

A. Philoch Forbes

W. W. W. W.

MEMORANDUM OF COSTS incurred in Special Appeal No. 491

of 1864 against the decision of the Judge of the District of Sataru and disposed of on the 28<sup>th</sup> Sept 1864 by amending the same with costs.

BY THE APPELLANT—

In the District.

In the Moonsiff's Court..... 7 2 8  
 In the Judge's Do..... 5 10 8

In this Court.

Stamp for Memorandum of Special Appeal ..... 2. " "  
 Stamps for copies of Decree and Judgment ..... 2. 8. "  
 Stamp for Vukeelutnama ..... 2. " "  
 Batta for Process and Postage ..... 1. 14. "  
 Sectioner's Fee ..... 1. 13. 6  
 Vukeel's Fee ..... " 14. 8.

12. 13. 4

11. 2. 2.

Rupees.... 23 15 6

BY THE RESPONDENT.

In the District.

In the Moonsiff's Court..... 5. 2. 8  
 In the Judge's Do..... 1. 14. 8

In this Court.

Stamp for Vukeelutnama ..... 2. " "  
 Vukeel's Fee ..... " 14. 8.

2. 14. 8.

Rupees.... 10. " "



*Handwritten signatures and text:*  
 In Sealer  
 For Acting Registrar