

In the High Court of Judicature, Bombay.

~~Wednesday~~ day, the 21st day of September 1864.

SPECIAL APPEAL No. 494 of 1864

Amabai widow of Gudow No-ari
of the Konkan District

Appellant

(Original Plaintiff)

versus

Bawa Sahib wulud Goolam Hoolen
Khot & Huji Golima Khot a minor
by his mother & guardian Rav bai widow
of Goolmia Khot & Sumsor wulud Gudow
Khot of the Konkan District

Respondents

(Original Defendants)

Rs. 94-10-1

The claim in the Original Suit was to recover, as her, a seventh
share of the property of a deceased father.

In Appeal No. 574 of 1863 the Assistant Judge
of the District of the Konkan at Tanjore amended
the Decree of the Hon^{ble} J. of Shindar who had awarded the claim,
but given defendant the option of giving a money equi-
valent for one portion of the land, and an equivalent in
land elsewhere for a portion of the land claimed, on which
stood a building; and had also directed Plff to pay part of the costs.
A Special Appeal was preferred in the High Court on the grounds that (1) the

decision of the assistant judge is contrary to law
in that the land over which the appellant's pro-
-prietary right was admitted was not
awarded.

him but another piece was awarded
awarded, in its place which was contrary to
law; that (2) the Appellant's proprietary right
to the land having been proved, the building
erected on it by the Respondent without any
right to do so should have been ordered to be
removed and the land awarded to the ap-
pellant that (3) the Assistant Judge was in
error in applying the Exhibits Nos 15 and 16
to this case, that (4) the Appellant having proved
the whole of his claim, he should not have been
burdened with the costs contrary to justice and
that (5) although it was admitted that the
Bede (Stable) with a tiled roof was built
while the appellant's father was alive, a
share in it was not awarded to the appellant
contrary to justice and it was ordered that
the appellant should take another piece of land
in lieu of the site of the Bede over which site
the appellant's (proprietary) right was held proved.

The Court confirms the decree of the Assistant Judge
with costs.

Attest: John Forbes.

J. M. Anderson

MEMORANDUM OF COSTS incurred in Special Appeal No. 494

of 186 4 against the decision of the *Appt. Judge* of the District of *the Nonsaw* and disposed of on the *21st Sep. 1864* by *Confirming the same with Costs*

BY THE APPELLANT—

In the District.		
In the <i>Mooniff's Court</i>	34 8 "	
In the <i>Appt. Judge's Court</i>	14. 55	
		48. 135
In this Court.		
Stamp for Memorandum of Special Appeal	8 "	
Stamps for copies of Decree and Judgment	3 8 "	
Stamp for Vukeelutnama	2 "	
Batta for Process and Postage	2 "	
Sectioner's Fee	2 6 "	
Vukeel's Fee	2 135	
		20 11 5
		Rupees.... 69 8 10

BY THE RESPONDENT.

In the District.		
In the <i>Mooniff's Court</i>	30 4 "	
In the <i>Appt. Judge's Court</i>	12. 82.	
		42. 122.
In this Court.		
Stamp for Vukeelutnama <i>two</i>	4 "	
Vukeel's Fee	2 135	
		6 135
		Rupees.... 49 9 7.



Ch. Sum...
Ch. Sum...
For Actual Register
For Seal...

The 21st of September 1864