

In the High Court of Judicature, Bombay.

Tuesday day, the 21st day of September 1864.

SPECIAL APPEAL No. 495 - of 1864.

Jayboo Sahib Widow of
Abdool Lutif Sahib Kazi
deceased, her son and heir
Kazi Kasim of the Town
of Kurr District

Appellant

(Original Plaintiff)

^{versus}
Bawa Sahib Wulud Goolam
Kasim Khat and Hajimee &
Wulud Goolam Khat as in-
terests by his mother and
guardian Parbai Widow
of Goolam Khat and
Semsas Wulud Judoor Khat of
the Kurr District (Original Defendants)

Respondents

Rs. 71-9-1-

The claim in the Original Suit was to recover seven shares of
the property of a maternal grandfather deceased.

In Appeal No. 575 of 1863 the Assistant Judge
of the District of the Kurr at Tanne ordered
the Decree of the Court of Appeal who had awarded the claim
but allowed ~~the~~ ^{Defendants} the alternative in one instance
of money value, in another of an equivalent in lands
elsewhere.

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 lands
in dispute over which the Appellant
claims

land's proprietary right was admitted, was not awarded him but another piece was awarded in its place that (2) the Appellant's right to the land in dispute having been proved, the building erected on it by the Respondent or any one else without any right to do so, should have been ordered to be removed, and the land awarded to the Appellant. That (3) although it was admitted that the Bede (stable) with a tiled roof was built during the life time of Goolam Hossein, a share in it was not awarded to the Appellant, 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: and that (4) although the Appellant proved the whole of his claim he was wrongly burdened with the costs.

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

Atkincock Forbes,

A. W. M. J.

MEMORANDUM OF COSTS incurred in Special Appeal No. 4957

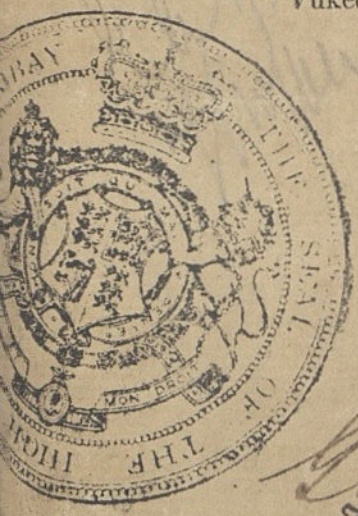
of 1864 against the decision of the *Sp^{tl} Judge* of the District of *the Konkan* and disposed of on the *21st Sep: 1864* by *Confirming the same with Costs*

BY THE APPELLANT—

<i>In the District.</i>			
In the <i>Mooneeffs' Court</i>	32	2	"
In the <i>Sp^{tl} Judge's Court</i>	13	4	4
			45 6 4
<i>In this Court.</i>			
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	5	"
Vukeel's Fee	2	2	4
			19 15 4
			65 5 8
			Rupees....

BY THE RESPONDENT

<i>In the District.</i>			
In the <i>Mooneeffs' Court (including V^o)</i>	19	8	"
In the <i>Sp^{tl} Judge's Court</i>	5	2	3
			24 10 3
<i>In this Court.</i>			
Stamps for Vukeelutnama <i>2</i>	4	"	"
Vukeel's Fee	2	2	4
			6 2 4
			30 12 7
			Rupees....



Ch. S. ...

*Ch. S. ... For Acting Registrar
For Sealers*