

In the High Court of Judicature, Bombay.

Thursday, the 15th day of September 1864.

SPECIAL APPEAL No. 498 of 1864.

Goma Goolsaji Shet Mar-
wadi by his constituted
agent Roopa Poolaji of the
Konkan District (Original Plaintiff)

Appellant,

versus

Shama Kama Patel and
Fuki Mohumud Wubud Fuki,
Idroos of the Konkan District
(Original Defendants)

Respondents,

Rs. 60-0-0

The claim in the Original Suit was to recover a house and
a field in Dachs.

In Appeal No. 600 of 1863 the Assist. Judge
of the District of the Konkan at Tannah amended
the Decree of the hon^{ble} J. Penn who decreed for the Plaintiff
as against Shama, but thrown out the claim
against Fuki.

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
(a) The decision of the Court below
is

is opposed to its finding viz. The Court finds that "Goma bought the field of Thama" and "Goma registered his Sale deed" of Chaitra 1780" yet comes to the conclusion that the sale deed to Goma is suspicious

(b) The Assistant Judge not having pronounced an opinion on the evidence adduced in the lower Court in proof of the deed sale he has virtually excluded so much evidence from his consideration

(c) There being no suggestion from the 2nd Defendant Fuki that the deed sale set up by Goma is fraudulent it is wrong in the lower Court to say that the sale deed is suspicious, Thama never having denied its execution

II That there have been errors in law in the investigation of the case which have produced substantial errors in the decision of the case on its merits in that.

(a) The Assistant Judge has not raised the following issue for decision
1 Whether the sale deed to Goma is proved?

The Court confirms the Decree
of the Ass^{ts} Judge with costs on
the Special Appellant.

Joseph Amundson
Attorney for the

Special Appellant

MEMORANDUM OF COSTS incurred in Special Appeal No. 498

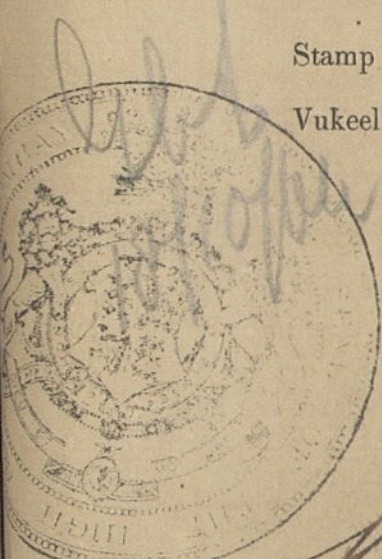
of 1864 against the decision of the *Spotte* Judge of the District of *the Konkan* and disposed of on the 15th Sept: 1864 by *Confirming the same with costs.*

BY THE APPELLANT—

<i>In the District.</i>		
In the <i>Moonceiffi</i> Court	19 10 5	27.123
In the <i>Spotte</i> Judge's Court	8 1 10	
<i>In this Court.</i>		
Stamp for Memorandum of Special Appeal	4 " "	13.34
Stamps for copies of Decree and Judgment	3 " "	
Stamp for Vukeelutnama	2 " "	
Batta for Process and Postage	1 10 "	
Sectioner's Fee	" 12 6	
Vukeel's Fee	1 12 10	

BY THE RESPONDENT ✓

<i>In the District.</i>		
In the <i>Moonceiffi</i> Court	10 10 2	13 7 "
In the <i>Spotte</i> Judge's Court	2 12 10	
<i>In this Court.</i>		
Stamp for Vukeelutnama	2 " "	3 12 10
Vukeel's Fee	1 12 10	
		Rupees.... 17. 3 10



La Suman...
For Acting Registrar
For Sealer

15 day of September 1864