

In the High Court of Judicature, Bombay.

Wednesday, the 23rd day of September 1864.

SPECIAL APPEAL No. 499 of 1864.

Rumabai Sahib Patwardhan
of the Satara District

Appellant

(Original Plaintiff)

versus

Motibhai wuled Muhamuda
bhai of the Satara District

Respondent

(Original Defendant)

Rs. 55-0-0

The claim in the Original Suit was to recover possession of some Government land.

In Appeal No. 359 of 1863 the Judge of the District of Satara at Patana reversed the Decree of the District Judge who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that the decision of the District judge is contrary to law in that the proper issues were not raised. These should have been - 1st whether the land was

was Sheri proprietary land of the Plaintiff,
and if so, 2^{ndly} whether the Defendants had
obtained a presumptive title to that land
by 30 years adverse possession.

The Court reverses the decree of the District
Judge and remands the case in order that the
Judge may decide:—

- 1st Whether the land was in the "Sheri" proprietary
land of the Plaintiff Amabai.
- 2nd Whether the Defendants Sudoos & Inotibhai have
held the land without interruption for a longer period
than 30 (thirty) years as proprietors so that such
possession must ~~be~~ be received as proof of a suf-
ficient right of property in the same; and that
the Judge may prepare a new decree on the merits
awarding costs.

Wm. Lock Forbes.

Amabai

MEMORANDUM OF COSTS incurred in Special Appeal No. 499

of 1864 against the decision of the Judge of the

District of Sattara and disposed of on the 28th September 1864

by remanding the same for retrial.

IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	3	...	✓
Stamp for Vukeelutnama	2	...	✓
Batta for Process and Postage	1	3	✓
Sectioner's Fee	3	...	✓
Vukeel's Fee one-fourth	6	7
			9 9 7
			Rupees 9 9 7

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	...	✓
Vukeel's Fee one-fourth	6	7
			2 6 7
			Rupees 2 6 7



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 For Acting Registrar
 For Sealer

28th day of September 1864

Issued certificate on Her Majesty's Treasury

Bank of Bombay for the refund of Rs four
being the value of stamp used for special appeal
in this case.

28th September 1864.

W. J. ...

For acting Registrar.

B

... 2
... 1
... 1
... 1

Certificate of ...
Registrar

For acting Registrar