

Poona & Solapur

In the High Court of Judicature, Bombay.

Thursday, the 15th day of September 1864.

SPECIAL APPEAL No. 500 - of 1864.

Vithal Sukharam Dalbhakta of the Poona District (Original Plaintiff) } Appellant,
~~vs.~~

Bhaw Babaji Gholap of the Poona District (Original Defendant) } Respondent,
Prizees 200-11-11

Special Appeal No. 502 of 1864.

Bhaw Babaji Gholap of the Poona District (Original Defendant) } Appellant,
~~vs.~~

Vithal Sukharam Dalbhakta of the Poona District (Original Plaintiff) } Respondent,

Rs. 100-11-11

The claim in the Original Suit was to obtain possession of a house bought at a sale for execution of a decree.

~~was~~
In Appeals No. 650/654 of 1862 the Assistant Judge of the District of Poona at Poona on appeal for the Decree of the ~~retrial~~ ^{who} from the High Court confirmed the decree of the ~~provision~~ ^{Assistant} Judge of Tulligam who had decreed for the Plaintiff as to part of the property claimed.

1864

~~was~~ ^{were}
A Special Appeal was preferred in the High Court on the grounds that ~~the~~ ⁽¹⁾ the decision of the Assistant Judge is contrary to Law in that the interest has been awarded for 40 years, and

and that (2) Exhibit N^o 9 Super-
sedes N^o 8 whereas the Lower Court
has held the contrary.

That there has been a -
substantial error in law in the
procedure of the Case which has -
produced error in the decision of
the Case upon its merits in that -
since the proceedings in a mercat.
- laneous petition are not in the -
nature of a regular suit the non-
- production of documents N^{os} 18,
and 19 while the petition was pend-
- ing is not a legal ground to
suspect the validity, and genuine-
- ness of these documents, and -
that the petition was not rejected
on the grounds that a mortgage -
formed no ground to raise an
attachment as will clearly ap-
- pear from the order N^o 16.

The Court modifies the Decree
of the Assistant Judge by limiting
the amount decreed for interest
to the amount of the Principal
Sum, viz: 132 Rs.

Costs in Special Pleas findent in
Appeal Rs 500.

Costs on Special Appellant in
Appeal No 502.

Joseph Arnould
Attorney at Law.

[Signature]

Bill of Costs
In Special App^l No 500 of 1864

By the Appellant
In the District

In the Moonseiff's Court (including v. fee) ——— 30.10.6
D^o of the Judges ——— 41.8.3 72.2.9

In this Court

Stamp for memo. of Special App^l ——— 16 " "
Stamps for Copies of decree & Judg^o ——— 4.8 " "
Stamp for Vukalutrama ——— 2 " "
Dalla for Process and ^{Postage} Receipt ——— 1 5 " "
Sectioner's Fee ——— 2.2.6
Vickel's Fee ——— 6 " "

31.15.0
Rupees — 104 2

By the Respondent
In the District

In the Moonseiff's Court ——— 26.14.4
D^o of the Judges Court ——— 24.14.6 51.12.6

In this Court

—————" " " "
Rupees 57.12.6

In

In Special Appl. No. 502 of 1864

To be paid
17/9/64
the 23/9/64

By the Appellant
In this Court

Stamp for menus of Special appl.	8	rs.
Stamps for Copies of decree & Judg ^t	3	rs.
Stamp for Subalterns	2	rs.
Patrol for Procep ^t & Procep ^t ^{Postage}	1.1	rs.
Sectioner's Fee	1.4	rs.
Outsides' Fee	3	rs.
		18.5
		<u>Rspees - 18 5</u>

By the Respondents
In this Court

Rspees " " "



Handwritten signature
For scales

Handwritten signature
For the Registrar

The 15th day of September 1864

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