

In the High Court of Judicature, Bombay.

Wednesday, the 15<sup>th</sup> day of February 1865.

SPECIAL APPEAL No. 507 of 1864.

Junkhos bin Paruji of  
the Satara District  
(Original Plaintiff)

Appellant,

versus

Balos deceased his sons  
and heirs Kaka and Rao  
of the Satara District  
(Original Defendants)

Respondent,

Rs. ~~1500~~

The claim in the Original Suit was to establish a right to redeem some mortgaged land, and to recover mesne profit.

In Appeal No. 404 of 1863 the Judge of the District of Satara at Patank configned the Decree of the Mff. Jeymstpon who had decided the right to redeem a portion of the land only, and thrown out the claim for mesne profit.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the District Judge is contrary to law in that.

(a) There has been a misconstruction of

of the mortgage bond sued on,  
inasmuch as it is held to im-  
ply that the Appellant agreed  
to forfeit his Equity of Redemption  
in the event of his not paying  
the mortgage money within 10  
years after its execution

(b) That the Equity of Redemp-  
-tion cannot be lost by the most  
express stipulations for forfeiture  
made at the time of the mortgage

(c) That by the terms of the mort-  
-gage bond and by his own con-  
-duct, the opposite party still  
continues the mortgage of the  
entire land.

(d) The claim for mesne pro-  
-fits has been wrongly thrown out.

The issues sent down by this Court having  
been returned, and the Judge having certi-  
-fied his finding thereon together with the  
evidence, this Court commends the decree  
of the District Judge and decrees that

Junkoo

MEMORANDUM OF COSTS incurred in Special Appeal No. 507

of 1864 against the decision of the Judge of the District of Satara and disposed of on the 15<sup>th</sup> February 1865 by amending the same.

BY THE APPELLANT—

IN THE DISTRICT.

In the Moonsiff's Court .....	18.9 "			
In the Judge's Court .....	16.4 "			
				34.13 "

IN THIS COURT.

Stamp for Memorandum of Special Appeal .....	8 " "			
Stamps for copies of Decree and Judgment .....	3 " "			
Stamp for Vukalutnama .....	2 " "			
Stamp of an application to enter the name of the Appellant's heir .....	0 0 0			
Batta for Process and Postage .....	2.1 "			
Sectioner's Fee .....	1.3 "			
Vukeel's Fee .....	4.8 "			
				20.10 "

Rupees.... 55.9 "

BY THE RESPONDENT—

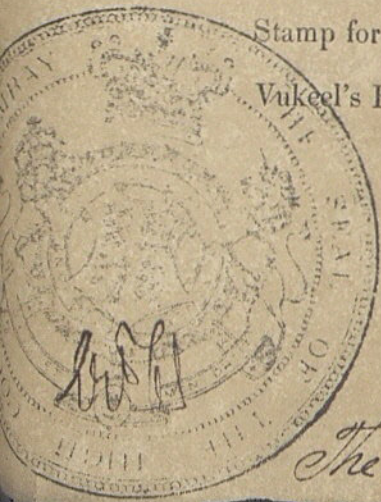
IN THE DISTRICT.

In the Moonsiff's Court .....	8 10 "			
In the Judge's Court .....	5.8 "			
				14.2 "

IN THIS COURT.

Stamp for Vukalutnama .....	2. " "			
Vukeel's Fee .....	4.8 "			
				6.8 "

Rupees.... 20.10 "



*[Handwritten signature]*

*[Handwritten signature]*  
Registrar

The 15<sup>th</sup> day of February 1865  
Sealer

Junkoo be allowed to redeem the mortgaged  
land on payment of Rs 150 within six  
months from the date of this deed.

Each party to bear his own costs throughout.

Joseph Arnold

A. M. M. M. M.