

In the High Court of Judicature, Bombay.

Tues day, the 13<sup>th</sup> day of September 1864.

SPECIAL APPEAL No. 508 of 1864

Heerabai Kom Dhunji-  
shet Parshi of the Poona District  
Appellant,  
\_\_\_\_\_  
(Original Defendant)

versus

Khoobchand Veerchand  
of the Poona District  
Respondent,  
\_\_\_\_\_  
(Original Plaintiff)

Rs. 800 — " — " —

The claim in the Original Suit was to recover possession  
of a house etc.

In Appeal No. 106 of 1863 the Assistant Judge  
of the District of Poona at Poona confirmed  
the Decree of the P.S.C. of Poona who had decreed for the  
Plaintiff.

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)

(a) The Court below considering as it did the evidence to be evenly balanced should have protected the appellant in her possession for unequal right, better is the condition of the possessor

¶ There has been a substantial error in the procedure of the case which has produced error in the decision of the case upon the merits in that.

(a) The Court below did not take the effect of the Exhibits Nos 10 & 11 put together and the evidence in support of them.

(b) The onus of proof has been thrown entirely upon the appellant who was the Defendant and in possession whilst the opposite party was Plaintiff in ejectment

(c) The Court below did not take note of the fact that the house was the ancestral property of

of the appellant and has assumed  
that she must have obtained an  
entry as sister to Hornum.

The court confirms the decree of the  
Assistant Judge with costs.

Joseph Arnold

A. Marden

MEMORANDUM OF COSTS incurred in Special Appeal No. 508

of 1864 against the decision of the Assistant Judge of the District of Poona and disposed of on the 13<sup>th</sup> Sept. 1864 by confirming the same with costs.

BY THE APPELLANT—

In the District.

In the Principal S<sup>u</sup>pre Court 58.6.6 ✓

In the Ass<sup>t</sup> Judge's Court..... 59.11 " ✓

In this Court.

Stamp for Memorandum of Special Appeal ..... 32. " " ✓

Stamps for copies of Decree and Judgment ..... 3. " " ✓

Stamp for Vukeelutnama ..... 2. " " ✓

Batta for Process and Postage ..... 1. 7. " ✓

Sectioner's Fee ..... 2. 2. 6 ✓

Vukeel's Fee ..... 24 " " ✓

118.1.6 ✓

64.9.6 ✓

Rupees.... 182.11 " ✓

BY THE RESPONDENT.

In the District.

In the Principal S<sup>u</sup>pre Court... 98.14.3 ✓

In the Ass<sup>t</sup> Judge's ... 25. " " ✓

In this Court.

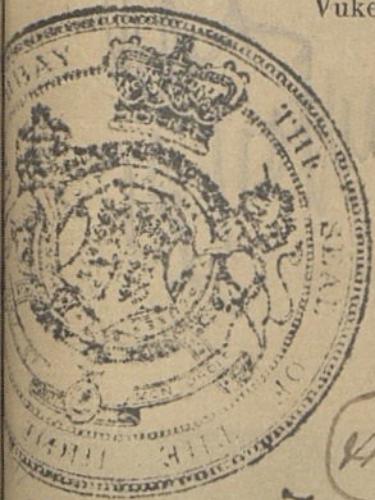
Stamp for Vukeelutnama ..... 2. " " ✓

Vukeel's Fee ..... 24 " " ✓

123.14.3. ✓

26. " " ✓

Rupees.... 149.14.3. ✓



*Judges*  
*For Sealer*  
*For Acting Registrar*  
 the 13<sup>th</sup> day of September 1864.