

In the High Court of Judicature, Bombay.

Wednesday day, the *7th* day of *December* 186*4*

SPECIAL APPEAL No. *509* of 186*4*

Pestonji and Kanabhai Framji
heirs to the estate of Gwasji
Framji by their agent Dinkur Appellant *s.*
Purashram Karandikar of the
Konkan District

(Original Plaintiffs)

versus

The collector of Tanna

(Original Defendant) Respondent,

Rs. *48,119*

The claim in the Original Suit was to *obtain an injunction*
to the collector of Tanna against his
levying assessment upon certain toddy trees

In Appeal No. *645* of 186*3* the *Ag Judge*
of the District of *the Konkan* at *Tanna* *consigned*
the Decree of the *Dist Judge* who *had decreed for the*
defendant.

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

.. (1)

(1) The collector's claim for rent is barred as well by the statute of limitations as by the collector's admissions; that (2) the onus of proof has been im-

properly thrown on the appellants. # There has been error in law in the investigation of the case which has produced substantial error in the decision of the case on its merits in that

The point for decision was whether by the custom of the country the appellant had a right to hold the disputed trees which has not been decided.

The Court confirms the decision of the Acting Judge with

R. Coach
Hewitt.

MEMORANDUM OF COSTS incurred in Special Appeal No. 507.

of 186 4 against the decision of the *Ag Judge* of the District of *Konkan* and disposed of on the 7th Decr, 1864 by *confirming the same with costs*

BY THE APPELLANTS

In the District.

In the <i>Appl Judges Court</i>	171	..	✓
In the <i>Ag Judges Court</i>	73	"	✓
			244 .. ✓

In this Court.

Stamp for Memorandum of Special Appeal	4	"	✓
Stamps for copies of Decree and Judgment	3	"	✓
Stamp for Vukeelutnama	2	"	✓
Batta for Process and Postage	"	4	✓
Sectioner's Fee	1	99	✓
Vukeel's Fee	1	7	✓
			12. 49 ✓
			Rupees.... 368 9 ✓

BY THE RESPONDENT.

In the District.

In the <i>Appl Judges Court</i>	8	15	"	✓
In the <i>Ag Judges Court</i>	1	15	"	✓
				10 14 .. ✓

In this Court.

Stamp for Vukeelutnama	2	"	✓
Vukeel's Fee	1	7	"
			3 7 .. ✓
			Rupees.... 14 5 .. ✓



R West
Sealer

R West
Registrar

Dec 7th 1864