

In the High Court of Judicature, Bombay.

Thursday, the 1<sup>st</sup> day of December 1864.

SPECIAL APPEAL No. 51 OF 1864.

Kassi Wulud Hari +  
Sangla of Wadgaon,  
Purgana Sinner of  
the Ahmednagar Dis-  
trict (Original Plaintiff)

Appellant,

versus

Keshu Sudashir Maslay deceased,  
his son and heir Mow and step  
brother Krishnaji Sudashir +  
Maslay, of Wadgaon Purgana  
Sinner but now residing at +  
Pat Survastan near Kasli and  
Mahadev Sudashir Maslay of  
Wadgaon Purgana Sinner at  
present residing at School of the  
Khandes District (Original Defendants)

Respondents,

Rs. 21-1-2-

The claim in the Original Suit was to recover on a mortgage  
bond the half of two fidds.

In Appeal No. 275 of 1863 the Judge  
of the District of Ahmednagar at Kasli  
the Decree of the Court of Sinner who  
had awarded the claim. reversed

A Special Appeal was preferred in the High Court on the grounds that <sup>the decision of the Judge</sup> (1) it is  
contrary to law in that the Judge was  
in error in holding that it was neces-  
sary to make Raghoo Wulud Sottan.  
-jee,

whom  
= see the person from the parties to  
this action derive their rights, a party  
to this suit, that (2) the District Judge  
if he considered it expedient to make  
Pagho Wullub Sortharjie a party to  
this suit erred in not ordering the  
same to be done, that (3) the <sup>District</sup> Judge  
totally misconstrued the Plaintiff's plaint  
in holding that it was a suit for the  
redemption of the property in question  
under a mortgage Bond, that (4) the  
title of the parties of this suit to share  
the land in question having been de-  
clared in the decree filed as exhibit  
No. <sup>District</sup> the Judge erred in not awarding  
the claim: and that (5) the District  
Judge erred in holding appellant bar-  
red by the fact that he did not  
bring his present action until the 26<sup>th</sup>  
November 1862..

The Court reverses the decree of the District  
Judge and conforms that of the Plaintiff.  
Costs on Special Respondent.

Minnoch Forster  
Att. P. for Plaintiff,

MEMORANDUM OF COSTS incurred in Special Appeal No. 57

of 1864 against the decision of the Judge ----- of the District of Ahmednagar and disposed of on the 1<sup>st</sup> Dec. 1864 by reversing the Decree of the District Judge and confirming that of the moonsiff with Costs

BY THE APPELLANT—

In the District.

In the moonsiff's court.....	6	77		
In the judge's court (including V. Fee.) ..	1	21		
			7	98

In this Court.

Stamp for Memorandum of Special Appeal .....	2	"		
Stamps for copies of Decree and Judgment .....	2	"		
Stamp for Vukeelutnama .....	2	"		
Batta for Process and Postage .....	2	4		
Sectioner's Fee .....	1	73		
Vukeel's Fee .....	"	101		
			10	54
			Rupees....	17

BY THE RESPONDENT.

In the District.

In the moonsiff's court.....	3	157		
In the judge's court .....	3	157		
			7	142

In this Court.

Stamp for Vukeelutnama .....	2	"		
Vukeel's Fee .....	"	101		
			2	101
			Rupees....	10



R West  
Sealer

R West  
Registrar

The 1<sup>st</sup> day of December 1864