

In the High Court of Judicature, Bombay.

Wednesday, the 21st day of September 1864.

SPECIAL APPEAL No. 515 of 1864

Mahammad ali wuled
Latibjee of the Ahmednugur District (Original Defendant) } Appellant,

versus

Badesahib W^d Mirya-
Khan of the Ahmednugur District (Original Plaintiff) } Respondent,

Rs. 15-0-0

The claim in the Original Suit was to obtain the closing of the door.

In Appeal No. 434 of 1863 the
of the District of Ahmednugur at
the Decree of the P. S. J. Ahmednugur

Judge
Ahmednugur reversed
had thrown out the claim.

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 the appellant should

should not be called upon to fulfil a contract made without consideration; that (2) there has been a substantial error in law in the procedure of the case which has produced error in the decision of the case on its merits in that

(a) the respondent's interest in the adjacent piece of ground having been transferred to another by sale no suit ought to be maintained at his instance

(b) The appellant cannot be compelled to close the holes in the wall ^{before it is ascertained} whether they caused any injury to the respondent at the time of filing the suit.

The Court reverses the decree of the District Judge and confirms the decree of the ^{Principal} Sudder Ameen; with costs.

Atkinloch Forbes.

D. D. Marden

MEMORANDUM OF COSTS incurred in Special Appeal No. 515

of 1864 against the decision of the Judge of the District of Ahmednagar and disposed of on the 21st September 1864 by reversing the same & confirming that of the P. S. Ameen.

BY THE APPELLANT—

In the District.

In the P. S. Ameen's Court..... 7. 11. 2.
 In the Judge's Court (including V. Fee) .. 15. 2.

In this Court.

Stamp for Memorandum of Special Appeal 1. 11. 11.
 Stamps for copies of Decree and Judgment 2. 11. 11.
 Stamp for Vukeelutnama 2. 11. 11.
 Batta for Process and Postage 10. 11. 11.
 Sectioner's Fee 1. 9. 6.
 Vukeel's Fee 7. 2.

7. 15. 4

7. 10. 8

Rupees.... 15. 10. 11

BY THE RESPONDENT.

In the District.

In the P. S. Ameen's Court..... 6. 6. 2.
 In the Judge's Court..... 2. 11. 2.

In this Court.

Stamp for Vukeelutnama 2. 11. 11.
 Vukeel's Fee 7. 2.

9. 1. 4

2. 7. 2

Rupees.... 11. 8. 6

[Signature]
 For Registrar.

[Signature]
 For Sealer.

The 21st day of September 1864.

