

In the High Court of Judicature, Bombay.

Tues - day, the 13th day of September 1864.

SPECIAL APPEAL No. 516 OF 1864.

Jay-Larkhan, Wulud -
Hamid Khan of the Sew. } Appellant,
New District (Original Defendants)

versus

Gulam Allikhan Wulud -
Lud. Baber Khan and
Shahisabibi Wife of - } Respondent,
Bhikhar Khan of the Sew.
New District
(Original Plaintiffs)

Rs. 639-1-8.

The claim in the Original Suit was to recover the village of Panjeri, as ancestral property ^{or payment of} the mortgage charge.

In Appeal No. 133 of 1863 the Assistant Judge of the District of the Concan at Tanjur confirmed the Decree of the ^{prop. of} Mahas who had decreed for the Plaintiff.

A Special Appeal was preferred in the High Court on the grounds that the

decision of the Assistant Judge

is

is contrary to law in that,

(a) The Assistant Judge con- sidered that the Respondents' claim against the appellant was that of a mortgagor as against the mortgagee.

(b) The Assistant Judge held that the claim was not barred by the law of limitation.

(c) The Respondents having succeeded to obtain their share of the vattan are now precluded from instituting the present suit.

(d) The Respondents are not entitled to any share of the decreed Hamid Khan's pro- perty.

The Court modifies the decree of the Assistant Judge and awards that the plaintiffs shall receive back half the vattan on payment of half the mortgage money (Rs 600-3-0) on the expiration of the period specified in the mortgage bond no 7.

Costs on Special Appellant.

Joseph Arnold

J. M. Ward

MEMORANDUM OF COSTS incurred in Special Appeal No. 5-16

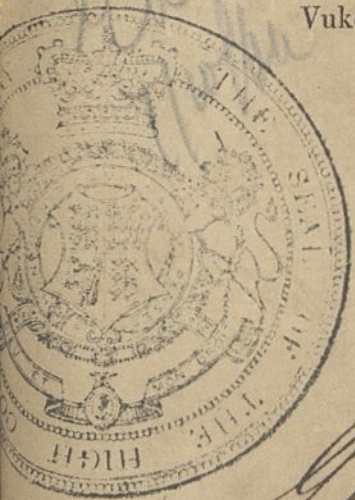
of 1864 against the decision of the Assistant Judge of the District of *The Konkum* and disposed of on the 13th Sept. 1864 by *modifying the same*.

BY THE APPELLANT—

In the District.				
In the <i>Moonsiff's Court</i>	49	13	9	✓
In the <i>Assist. Judge's Court</i>	54	15	9	✓
In this Court.			104	13 6 ✓
Stamp for Memorandum of Special Appeal	32	"	"	✓
Stamps for copies of Decree and Judgment	3	"	"	✓
Stamp for Vukeelutnama	2	"	"	✓
Batta for Process and Postage	3	1	"	✓
Sectioner's Fee	1	3	"	✓
Vukeel's Fee	19	2	9	✓
			606	9 ✓
			Rupees....	16543 ✓

BY THE RESPONDENT,

In the District.				
In the <i>Moonsiff's Court</i>	61	9	6	✓
In the <i>Assist. Judge's Court</i>	20	2	9	✓
In this Court.			81	12 3 ✓
Stamp for Vukeelutnama	2	"	"	✓
Vukeel's Fee	19	2	9	✓
			21	2 9 ✓
			Rupees....	10215" ✓



G. S. Sanyal

G. S. Sanyal For Acting Registrar
Sealer

The 13th day of September 1864.