

In the High Court of Judicature, Bombay.

Wednesday, the 21<sup>st</sup> day of September 1864.

SPECIAL APPEAL No. 518 of 1864.

Gurji Shridhar Apto  
of the Konkan Dis-  
trict (Original Defendant)

Appellant

versus

Wannaji Keshur and  
Mrs and Simbhat, and  
Vinayak Wannan, of whom  
all but Mrs deceased, their  
heirs Mrs Wannan and  
Prishnarav Anant of the  
Konkan District (Original Plaintiffs)

Respondent

Rs. 201-11- --

The claim in the Original Suit was to recover six years profits  
of three fields of Shirjan.

<sup>over</sup>  
In Appeals No. 530/593 of 1863 the Assistant Judge  
of the District of the Konkan at Tanna awarded  
the Decree of the Hon<sup>ble</sup> J. Callian who had awarded the claim  
to the extent of four years profits.

A Special Appeal was preferred in the High Court on the grounds that (1) the  
decision of the ~~Assistant~~ Assistant  
Judge is contrary to law in  
that,

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a. The District Assistant Judge held that the cause of action arose in 1857, the same not being the case.

b. The plaintiffs' claim for a period beyond that allowed by law was held good in the lower court.

(2) That there has been a substantial error in law in the procedure of the case, and which has produced error in the decision of the case as to its merits in that the courts below cast the onus of proving the value of the annual profits on the appellant the Respondent being in the first instance required to give evidence about it.

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

A. K. Lockwood.

A. M. Ward

MEMORANDUM OF COSTS incurred in Special Appeal No. 518

of 1864 against the decision of the *Sp<sup>l</sup> Judge* of the District of *the Konthum* and disposed of on the *21<sup>st</sup> Sept<sup>r</sup> 1864* by *Confirming the same with costs*

BY THE APPELLANT—

*In the District.*

In the <i>Moonseiff's Court</i> .....	11 " "			
In the <i>Sp<sup>l</sup> Judge's Court</i> .....	14 13 6			
				25 13 6

*In this Court.*

Stamp for Memorandum of Special Appeal .....	16 " "			
Stamps for copies of Decree and Judgment .....	3 " "			
Stamp for Vukeelutnama .....	2 " "			
Batta for Process and Postage .....	2 1 "			
Sectioner's Fee .....	1 15 "			
Vukeel's Fee .....	6 " 10			
				31 " 10
				Rupees.... 56 14 4

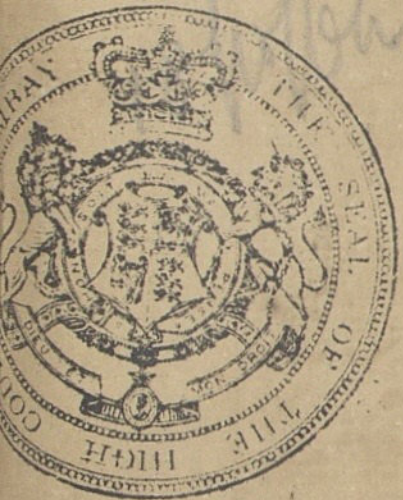
BY THE RESPONDENT.

*In the District.*

In the <i>Moonseiff's Court</i> .....	40 11 4			
In the <i>Sp<sup>l</sup> Judge's Court</i> .....	28 3 11			
				68 15 3

*In this Court.*

Stamp for Vukeelutnama .....	2 " "			
Vukeel's Fee .....	6 " 10			
				8 " 10
				Rupees.... 77 " 1



*G. S. M. M. S.*  
For Acting Registrar

*G. S. M. M. S.*

For Sealer  
The 21<sup>st</sup> day of September 1864.