

In the High Court of Judicature, Bombay.

Now day, the 27 day of Nov 1865.

SPECIAL APPEAL No. 522 of 1864.

Guzrabai widow of Shaboobhai
deceased, her grandson their Bapoo? Shaik Pussool
Jamaadar of the Ahmednugur District Appellant,

(Original Plaintiff)

versus

Dowlutsing W^d Apasing Par-
deshi and Suntoosing bin
Narayensing Pardeshi of the Respondent &
Ahmednugur District

(Original Defendants.)

Rs. 40 — " — "

The claim in the Original Suit was to Enforce the release

on payment of the amount due by a piece
of garden land mortgaged by Guzrabai to Dowlut.
being

In Appeal No. 255 of 1861 the by Asst Judge
of the District of Ahmednugur on a remand of the case for
the Decree of the Muz at Kunder who had decreed for the

release sought on payment of Rs 41, by throwing
out Guzrabai's claim

A Special Appeal was preferred in the High Court on the grounds that (1) the

decision of Acting Assistant Judge is
contrary to law in that.

(a)

(a) In that the acting assistant judge erred in admitting extracts from the survey Register to establish the nature of the tenure of the land in dispute.

(b) In that the acting assistant judge has held on no evidence whatever that appellant did not believe the land in question was her miras at the time of her making the mortgage in question. —

(c) In that the ^{acting} assistant judge erred in holding that the tenure on which the land in question was held could affect appellant's right to redeem.

(d) In that the acting assistant judge totally misconstrued the mortgage deed No 26 in holding that appellant has lost her right to redeem at the expiration of 4 years from the date of the mortgage deed.

(e) In that the acting assistant judge erred in holding that the payment of the additional sum of Rupees 70 was intended to be a charge by way of mortgage on the land in question.

(f) In that the deed of mortgage No 26 was in itself an invalid document being written on an insufficient stamp.

stamp wherefore the acting assistant
Judge erred in admitting it in evidence
(g) In that the acting assistant Judge
erred in holding that appellants ad-
missions could cure the invalidity of
the mortgage deed

(h) In that under any circumstances π
the acting assistant Judge erred in not
awarding for appellant as claimed.

The Appellant Pappoo
wala Shait Ruesol having failed
to produce a certificate of his title as
representative of the deceased Gungobai
or evidence of his having taken the
 requisite legal steps to procure such
certificate the appeal is dismissed
with costs

R. Cook
H. M. M. M.

MEMORANDUM OF COSTS incurred in Special Appeal No. 522

of 186 A against the decision of the *Asst. Judge* of the District of *Ahmednagar* and disposed of on the *27th November 1865* by *Dismissing the Appeal*

BY THE APPELLANT—

<i>In the District.</i>		
In the <i>Munsiff's Court</i> —	11	7 11
In the <i>Asst. Judge's Court (inclu: V. Fee)</i>	3	15 11
		15 7 10
<i>In this Court.</i>		
Stamp for Memorandum of Special Appeal	4
Stamps for copies of Decree and Judgment	2	8 ..
Stamps for ^{two} Vukeelutnamas	4
<i>Stamp of an application to enter the name of Appellant</i>	2
Batta for Process and Postage	1	8 ..
Sectioner's Fee	2	6 11
Vukeel's Fee	1	3 2
		17 5 1
Rupees	32	12 11

BY THE RESPONDENTS.

<i>In the District.</i>		
In the <i>Munsiff's Court</i> —	4	3 2
In the <i>Asst. Judge's Court</i> —	20	5 1
		24 8 3
<i>In this Court.</i>		
Stamp for Vukeelutnama	2
Vukeel's Fee	1	3 2
		3 3 2
Rupees	27	11 5



Sealer

West Registrar

The 27th day of November 1865