

In the High Court of Judicature, Bombay.

Monday, the 3 day of April 1865

SPECIAL APPEAL No. 526 of 1864.

Himachul prasad bin Ahilad  
Patel of the Poona District

Appellant,

(Original Plaintiff)

versus

Lalram Shivdinram, deceased,  
his grandson his heir Jagunnath  
Balibhadra and Vajmathiji Vyas  
and Sorabji Navasji of the Poona  
District

Respondents

(Original Defendants)

Rs. 300

The claim in the Original Suit was to *revoke principal of interest*  
*due on a mortgage bond*

In Appeal No. 162 of 1863 the *Assistant Judge*  
of the District of *Poona* at *Poona* confirmed  
the Decree of the *P. S. C. of Poona* who had *thrown out the Plaintiff's claim.*

A Special Appeal was preferred in the High Court on the grounds that (1) there  
has been a substantial error in law in  
the investigation of the case which  
has

has produced error in the decision &  
thereof upon its merits in that the  
Appellate Court erred in holding  
that writing to be not genuine which  
had been held to be genuine even up  
to the High Court though in a case to  
which the Respondents <sup>were</sup> ~~was~~ no party, that  
(2) if the Appellate <sup>Court</sup> had considered it  
necessary that fresh evidence should  
be taken to prove that writing then it  
ought to have remanded the case; and  
that (3) the burden of proving that the  
document No 3 once held to be genuine  
was not really so ought to have been  
thrown upon the Respondents

The Court confirm the decree  
of the District Judge with costs in special  
appellant.

Whitlock Forbes.

R Coach

MEMORANDUM OF COSTS incurred in Special Appeal No. 526

of 1864 against the decision of the Assistant Judge of the District of Poona and disposed of on the 3 April 1865 by confirming the same with costs.

BY THE APPELLANT—

In the District.				
In the P. S. Amis Court (including 1/2)	37	15	3	
In the Assistant Judge's Court.	32	13	"	
				70. 12. 3.
In this Court.				
Stamp for Memorandum of Special Appeal	16	"	"	
Stamps for copies of Decree and Judgment	3	"	"	
Stamp for Vukeelutnama	2	"	"	
<del>Stamp for an application to send notices to the Respondents</del>	2	"	"	
Batta for Process and Postage	3	10	"	
Sectioner's Fee	1	10	3	
Vukeel's Fee	9	"	"	
				37. 4. 3
Rupees....				108. 6

BY THE RESPONDENT

In the District.				
In the P. S. Amis Court.	65	"	"	
In the Assistant Judge's Court	20	8	"	
				85. 8 "
In this Court.				
Stamp for Vukeelutnama	2	"	"	
Vukeel's Fee	9	"	"	
				11. 8 "
Rupees....				96. 8 "



*J. D. Rusty*  
 Sealer

*J. D. Rusty*  
 Deputy Registrar

The 3<sup>rd</sup> day of April 1865