

In the High Court of Judicature, Bombay.

Tuesday, the 16 day of November 1864.

SPECIAL APPEAL No. 532 of 1864.

Lukshumon Sadashiv Ranude  
of the Konkan District

Appellant

(Original Plaintiff.)

versus

Lukshman Khundo and Nars  
Jyram and Govind Jyram Go-  
khule of the Konkan District

Respondents.

(Original Defendants)

Rs. 32-0-0

The claim in the Original Suit was to *reover possession*  
*of some ground*

In Appeal No. 627 of 1863 the *chief judge*  
of the District of *Konkan* at *Lauch appointed*  
the Decree of the *moof at-mahad* who *had thrown out the*  
*claim*.

A Special Appeal was preferred in the High Court on the grounds that (1) a  
Substantial error in law has occurred in  
the investigation of the case which has pro-  
duced error in the decision of the case.

from its merits in that it was an error not to have taken the documentary evidence and the evidence of witnesses mentioned in the Nos 39-40. that (2) although in the application No 41 it was stated that a Commissioner be appointed for the purpose of drawing out a sketch of the disputed spot yet it was not so drawn; that (3) the bond No 37 has been misconstrued in as much as the "jursu" (enclosure) around a house especially the back part mentioned therein is not the one in dispute and the appellate court was in error in rejecting the claim on that very ground, and that (4) the Moonsiff did not take the whole of his evidence. But had he done so it would have been held that there is a stronger preponderance thereof in his favor than of the Respondents. The appellate court however should have framed an issue as to why the whole of his evidence should not have been received and then decided the suit. It was an error not to have done so.

The court was firm in the decree of the Df with costs

Der Spal. ap. p. t.

H. Weston,  
H. P. Tucker.

MEMORANDUM OF COSTS incurred in Special Appeal No. 532

of 186 4 against the decision of the *Acting Judge* of the District of *the Northam* and disposed of on the *16<sup>th</sup> Nov<sup>r</sup> 1864* by *Confirming the same with Costs*

By THE APPELLANT—

*In the District.*

In the <i>moonceff's Court</i> .....	9 34 ✓		
In the <i>Judges Court</i> .....	5 94 ✓		
		14	12 8 ✓

*In this Court.*

Stamp for Memorandum of Special Appeal .....	2 .. ✓		
Stamps for copies of Decree and Judgment .....	1 8 ✓		
Stamp for Vukeelutnama .....	2 .. ✓		
Batta for Process and Postage .....	1 15 ✓		
Sectioner's Fee .....	1 3 ✓		
Vukeel's Fee .....	" 15 4 ✓	9	9 4 ✓
		Rupees....	24 6 .. ✓

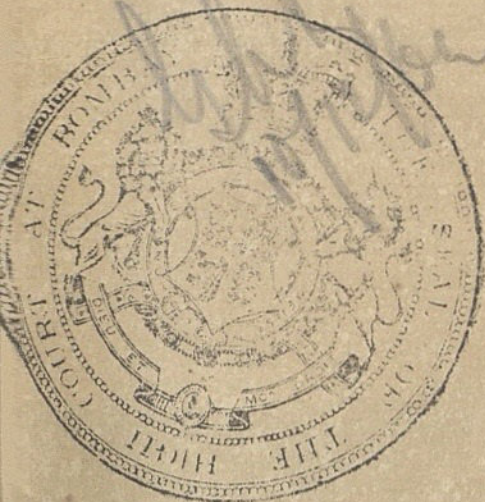
By THE RESPONDENT.

*In the District.*

In the <i>moonceff's Court</i> .....	9 58 ✓		
In the <i>Judges Court</i> .....	1 15 4 ✓		
		11	5 4 ✓

*In this Court.*

Stamp for Vukeelutnama .....	2 .. ✓		
Vukeel's Fee .....	" 15 4 ✓	2	15 4 ✓
		Rupees....	14 4 4 ✓



*W. J. Ash*  
1<sup>st</sup> Assistant Registrar

*A. J. Ash*  
For Sealer

*The 16<sup>th</sup> day of November 1864*