

In the High Court of Judicature, Bombay.

Monday, the 19th day of September 1864.

SPECIAL APPEAL No. 533 OF 1864

Yeshwadabai widow of Rago-
jirao Angray by her agent
Sudaram bin Bhicumsing
of the Poona District } Appellant &
(Original Plaintiff)

versus

Meer Goolphay ali wuled
Meer Jan ally of the Poona
District } Respondent
(Original Defendant)

Rs. 17-11-11

The claim in the Original Suit was to recover certain pieces
land.

In Appeal No. 257 of 1863 the ^{P. Sudder Ameen} ~~Sitting Judge~~
of the District of Poona at Poona ^{reversed}
the Decree of the ^{hon. J. Khan} who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that ~~&~~ there
has been a substantial error in law in
the procedure of the case which has
produced

produced error in the decision of the case upon the merits in that.

(a) The Court below found that the land in question was formerly the miras of the appellant but that the Mamooldar having registered it as Gutkooler and the opposite party having held it from the Revenue Authorities as such the Collector should have been made a party to the suit.

(b) The opposite party having been a tenant of the appellants as mirasdar till the time when the land was registered as Gutkooler the change in the Revenue books could not alter the nature of the land nor affect the title of the appellant as against the opposite party.

This Court, considering that the Collector ought to have been originally made a party to the suit, reverses the decrees of both the lower Courts & sends the case down for trial before the District Court, the Collector being added as a party, any necessary evidence being received, and a new judgement given on the merits.

This Court considers that in trying the suit, with the Collector thus added as a party, the legal validity of the requestration of Empress's property should be investigated and that particular attention should

also be paid to the extent and scope of the said
sequestration, in order to ascertain whether it inclu-
ded the property which is the subject of the present
suit.

Costs to follow final decision.

Joseph Arnold
Hester.

MEMORANDUM OF COSTS incurred in Special Appeal No. 533 .

of 186 4. against the decision of the *Principals Amie* of the District of *Poona* and disposed of on the *19th Sep. 1864* by *remanding the same for retrial* -

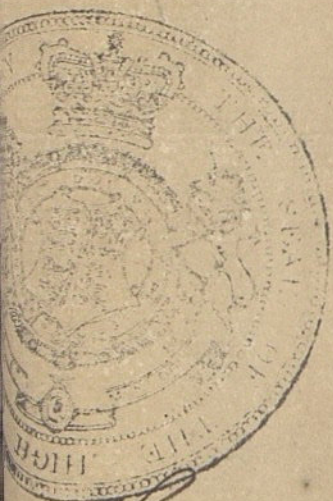
IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	3	00	00	✓
Stamp for Vukeelutnama	2	00	00	✓
Batta for Process and Postage	"	15	00	✓
Sectioner's Fee	1	2	00	✓
Vukeel's Fee one-fourth	"	2	00	✓
			7 3	✓
			Rupees	7 3

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	00	00	✓
Vukeel's Fee one-fourth	"	2	00	✓
			2 2	✓
			Rupees	2 2



Subscribed

For Acting Registrar

Subscribed

For Sealers

The 19 day of September 1864 -

Issued a certificate on Her Majesty's
Treasury Bank of Bombay for
the refund of Rupees Two being
the value of stamps used for
special appeal in this case

19th September 1864

Thurley

In Acting Registrar

~~AM~~

Thurley

Thurley