

In the High Court of Judicature, Bombay.

Monday, the 14th day of September 1864.

SPECIAL APPEAL No. 535 of 1864.

Yeshwadabai widow of Raghooji Rao
Angray by her agent Sudaram Bhicum

Sing of the Poona Dist^{ct} (Original Plaintiff)

Appellant

versus

Karayansing bin Sabasing of the
Poona District

Respondent

(Original Defendant)

Rs. 7 - - -

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

In Appeal No. 253 of 1863 the
of the District of Poona at Poona
the Decree of the Munsif of the District who had awarded the claim,
on condition of Plaintiff's paying Defendant Rs 75.

Pa' Sudder Ameen
~~acting Judge~~

A Special Appeal was preferred in the High Court on the grounds that (1) there has been an error in law in the procedure of the case which has 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 Mamlatdar having registered it as Guthkooler 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 Appellant's as mirasdar, till the time when the land was registered as Guthkooler 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.

The Court, considering that the Collector ought to have been originally made a party to the suit, reverses the decrees of both the Lower Court and sends the case down for trial before the District Court; the Collector being added as a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 judgment 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 sequestration of Angria'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 includes the property which is the subject of the present suit.

Costs to follow final decision:

Joseph Arnold

H. Newton.

MEMORANDUM OF COSTS incurred in Special Appeal No. 532

of 1864 against the decision of the Principal S. Amrao of the District of Poona — and disposed of on the 19th Sep. 1864 by remanding the same for retrial.

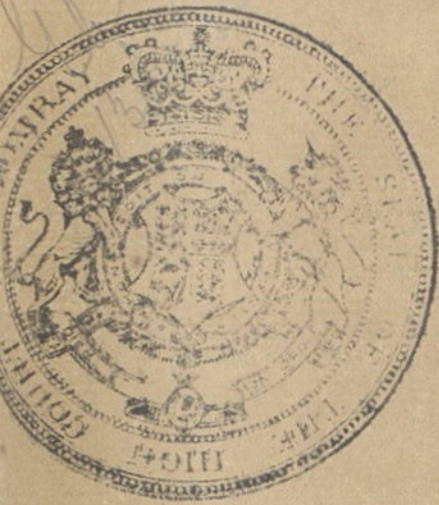
IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	3	"	"
Stamp for Vukeelutnama	2	"	"
Batta for Process and Postage	"	15	"
Sectioner's Fee	1	6	"
Vukeel's Fee one-fourth	"	"	10
			7. 5 10
	Rupees	7.	5 10

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	"	"
Vukeel's Fee one-fourth	"	"	10
			2 " 10
	Rupees	2	" 10



A. D. Ash
For acting Registrar

A. D. Ash
For sealer.

The 19th day of September 1864.

Issued certificate on Her Majesty's
Treasury Bank of Bombay for the refund
of Rupees one being the value of stamp
used for special appeal in this case.

19th September 1864.

Attest
For acting Registrar.

19th
APR

Certified true copy

The 19th day of September 1864