

In the High Court of Judicature, Bombay.

Monday, the 19th day of September 1864.

SPECIAL APPEAL No. 536 of 1864

Yeshwadabai widow of Ragho
= jirav Angray by her agent
Sudaram bin Bhicumsing of
the Poona District Appellant,

(Original Plaintiff)

versus

Mahadoo bin Luktshmon
Kondgay deceased, his son &
brother Moosa and Sudoo of
the Poona District Respondents,

(Original Defendants)

Rs. 6-11-11

The claim in the Original Suit was to recover certain heeres
lands.

In Appeal No. 271 of 1863 the ~~acting~~ *P. Suddas Binet*
of the District of *Poona* at *Poona* reversed (with costs)
the Decree of the *Mony. of Kher* who had awarded the 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 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 mam-lutdar having registered it as Gutkoolee and the opposite party having ~~held~~ 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 Gutkoolee 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The Court, considering that the Collector ought to have been originally made a party to the suit, reverses the decrees of both the Lower Courts and sends the case down for trial before the District Court, the Collector being added as a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 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 sequestration of Arguie'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 ascer-
tain whether it includes the property which is the
subject of the present suit.

Costs to follow final decision.

Joseph Arnold
Attorney.

MEMORANDUM OF COSTS incurred in Special Appeal No. 536.

of 186 4. against the decision of the Principal S^{rs} Amin of the District of Poona and disposed of on the 19th Sept^r 1864 by ~~reserving~~ ^{resounding} the same for retreat.

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	4	9	✓	
Vukeel's Fee one-fourth	"	"	9	✓	
			7	4	6
	Rupees		7	4	6

BY THE RESPONDENT

Stamp for Vukeelutnama	2	"	"	✓	
Vukeel's Fee one-fourth	"	"	9	✓	
			2	"	9
	Rupees		2	"	9



(Signature)

(Signature) For acting Registrar

For Sealer

19 day of September 1864

Issued certificate on Her Majesty's Treasury
Bank of Bombay for the refund of Rupee (1) --
being the value of Stamp used for Special appeal
in this case.

19th September 1864.

[Signature]

For acting Registrar

[Signature]

Certificate delivered to
[Signature]