

In the High Court of Judicature, Bombay.

In day, the 8 day of April 1864.

SPECIAL APPEAL No. 54 OF 1864.

Mohammed Essob Mew-
-led Goolam Moham-
-med Mookadam of the
- Putnagiri Division of
- the Konkan District -
- (Original Plaintiff -)

Appellant,

versus

Mohideen Waleed Baba
- Nakhwa Dingerkar
- of the Putnagiri Di-
- vision of the Konkan
- District - (Original Defendant)

Respondent,

Rs. 199-0-0

The claim in the Original Suit was to recover possession
of a piece of ground occupied by the
Defendant during the Plaintiff's absence

In Appeal No. 115 of 1861 the
of the District of ~~South Konkan~~ at
the Decree of the ~~Chief Magistrate~~ who

Ag. Sen. a Judge
Putnagiri reversed
had decreed for
the claim

A Special Appeal was preferred in the High Court on the grounds that there
have been errors in law in the inves-
- tigation of the case which have pro-
- duced substantial errors in the de-
- cision

review of the case on its merits, without,

1st The Lower Court has improperly condemned the separation deed N^o 24 and has thus virtually excluded so much material evidence of the Special Appellant's title;

2nd The Lower Court holding the ground in dispute to be between the creek and the house of the Special Appellant has not taken into consideration the presumption of fact arising therefrom.

3rd The Special Respondent's plea of having obtained possession from Mohammed Fakir Bote stops him from pleading Mortgage. Wholes & rights.

4th The Survey records of 1856-57 are no proof against the Special Appellant, whereas the lower Court has held the contrary.

5th The Special Appellant having made out a prima facie case by Exhibit N^o 24, the onus of proof of title to the property ought to have been thrown on the Special Respondent.

The Court
Confirms the decree of the Court
below with costs.

R. Couch
Att. by Lushner,

Bill of Costs.

By the Appellant.

In the District.

In the Sudder Amins Court 30-4-115

Senior assistant judges Court 6-7-6 36-12-5

In this Court

Stamp for Memos. of Special Appeal - 16-11-11

Stamps for Copies of Decrees and Judgment - 3-11-11

Stamp for Vukalutnama 2-11-11

Batta for process & postage - 1-2-11

Sectioner's fee - 1-4-3

Vukeel's fee - 5-15-6 29-5-9

Rupies 66-2-2

By the Respondent.

In the District.

In the Sudder Amins Court 9-12-11

Do - Sr. assist. judges Do 23-7-6 33-3-6

In this Court

Stamp for Vukalutnama - 2-11-11

Vukeel's fee - 5-15-6 7-15-1

Rupies 41-3-11



West
sealer

West
Registrar

The 8th day of April 1864 -