

In the High Court of Judicature, Bombay.

Thursday, the 22nd day of September 1864

SPECIAL APPEAL No. 547 of 1864

Balkrishna Vitul Funsey
of the Konkun District.

Appellant,

(Original Plaintiff)

versus

Ramchandr and Lukshmun
Vitul Funsey and Ramchandr
Gungadhar Ghunvutkur of
the Konkun District (Original Defendants)

Respondents,

Rs. 15-2-4-3.

The claim in the Original Suit was to set aside a sale made by Plaintiff's younger brothers of some ancestral undivided land.

In Appeal No. 576 of 1863 the Assistant Judge of the District of the Konkun at Tanore confirmed (on appeal) the Decree of the who from the High Court (415/61) the decree of the who of Dhivoli who had thrown out the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the Assistant Judge having found that the sale of the undivided family

family property by the ^{two} younger brothers
^{was} were not for necessary purposes and it
was without the elder brother's consent,
has departed from the provisions of the
Hindoo Law and Courts ruling in
Special appeals Nos 24 45 and 57 of
the selected cases in ruling that it is valid
to the extent of the vendor's share therein
and that (2) the assistant judge has
misconstrued the Court's order remanding
the case for retrial in as much as ^{it} con-
templated that if the sale was valid
as a whole it should be upheld
otherwise it was null and void.

The Court confirms the decree of the Assistant
Judge with costs.

Albincock Forbes.

A. J. Mander

MEMORANDUM OF COSTS incurred in Special Appeal No. 547
of 1864 against the decision of the Assistant Judge of the
District of the Poonah and disposed of on the 2nd Sept 1864
by confirming the same with costs

BY THE APPELLANT,—

In the District.			
In the Moonsiff's Court	69.8.4		
In the Asst Judge's D.o.	26.14.7		
In this Court.			96.5.11
Stamp for Memorandum of Special Appeal	16. " "		
Stamps for copies of Decree and Judgment	4. " "		
Stamp for Vukeelutnamas two	4. " "		
Batta for Process and Postage	2. 13. "		
Sectioner's Fee	2. " 3.		
Vukeel's Fee	4. 9. 1.		
			33. 6. 4.
		Rupees....	129. 13. 3.

BY THE RESPONDENT.

In the District.			
In the Moonsiff's Court	38. 7. 5.		
In the Assistant Judge's Court	7. 13. 7.		
In this Court.			46. 5. "
Stamp for Vukeelutnama	2. " "		
Vukeel's Fee	4. 9. 1.		
			6. 9. 1.
		Rupees....	52. 14. 1.



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For Sealer
The 2nd day of September 1864