

In the High Court of Judicature, Bombay.

Tues day, the 27th day of September 1864.

SPECIAL APPEAL No. 531 of 1864.

Lungda Kal Mahatra of the
Konkan District

Appellant

(Original Defendant.)

versus

Ghoosia Mahad Mahatra of
the Konkan District

Respondent

(Original Plaintiff)

Rs. 49 - 11 - 11

The claim in the Original Suit was to recover a piece of ground which Plaintiff had been ousted from by an order of the Mamledar.

In Appeal No. 644 of 1863 the Assis't Judge of the District of the Konkan at Tanina confirmed the Decree of the Mof. of Pannell 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 investigation of the case which has produced

produced error in the decision of the case upon its merits

(a) In that the assistant judge has confined his attention to the oral evidence adduced by appellant and given no opinion as to the documentary evidence in the shape of title deeds of the land in dispute produced by him

(b) In that the assistant judge has quite mistaken the purpose for which the oral evidence was produced by appellant it having been produced for the purpose of showing the identity of the land in dispute with that comprised in the said title deeds

(c) In that the assistant judge failed to have the said question of the identity of the land enquired into by a commission it appearing prima facie that appellant was entitled to the said land under his title deeds

(d) In that the assistant judge failed to determine a material point at issue

issue between the parties viz. was the
land in dispute identical with that
comprised in appellants title deeds.

(E) In that the Assistant Judge has
wrongly thrown the onus of proof on the
appellant.

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

Joseph Arnold
Solicitor.

MEMORANDUM OF COSTS incurred in Special Appeal No. 557.

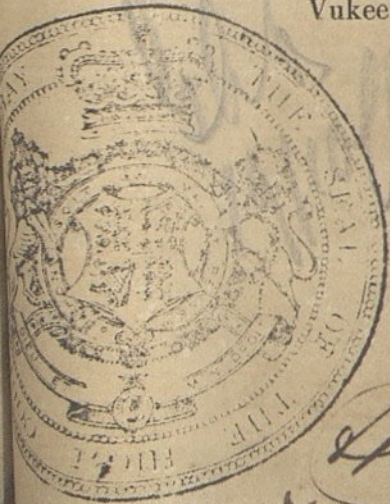
of 186 4 against the decision of the *apst* Judge of the District of *the Norkum* and disposed of on the *27th Sep^r 1864* by *Confirming the same with Costs.*

BY THE APPELLANT—

<i>In the District.</i>			
In the <i>Moonseiff's Court</i>	10 15 6		
In the <i>apst Judge's Court</i>	7 7 6		
			18 7 "
<i>In this Court.</i>			
Stamp for Memorandum of Special Appeal	4 "		
Stamps for copies of Decree and Judgment	1 8 "		
Stamp for Vukeelutnama <i>two</i>	4 "		
Batta for Process and Postage	1 2 "		
Sectioner's Fee	" 13 "		
Vukeel's Fee	1 7 6	12	14 6
		Rupees....	31 5 6

BY THE RESPONDENT.

<i>In the District.</i>			
In the <i>Moonseiff's Court</i>	17 7 6		
In the <i>apst Judge's Court</i>	2 7 6		
			19 15 "
<i>In this Court.</i>			
Stamp for Vukeelutnama	2 "		
Vukeel's Fee	1 7 6	3	7 6
		Rupees....	23 6 6



Deputy

Deputy For Acting Registrar
For Sealer
 The 27th day of September 1864.