

In the High Court of Judicature, Bombay.

30
On day, the 30th day of September 1864.

SPECIAL APPEAL No. 553 of 1864.

Huri bin Paghaji of
the Poona District } Appellant,
(Original Defendant)

versus

Vishwunathrao Kucheshwar
alias Kakasheb of the } Respondent,
Poona District }
(Original Plaintiff)

Rs. 15. 15. 10.

The claim in the Original Suit was to recover possession of some
Guthoshe land on the expiration of the period
for which it had been let on lease.

In Appeal No. 489 of 1863 the Assistant Judge
of the District of Poona at Poona reversed
the Decree of the *Magistrate of Poona* who had thrown out the
claim.

A Special Appeal was preferred in the High Court on the grounds that ~~the~~ Sub-
stantial errors in law in the investigation
of the case have been made which have
produced errors in the decision of the case
upon

upon its merits.

1st In that there is no legal proof to prove the Kutoolayut N^o 22.

2nd In that the Assistant Judge was in error in presuming that the Appellant does not dispute the genuineness of the Kutoolayut N^o 22 whereas from the Assistant Judge's own judgment it appears that he has done so.

3rd In that it is not competent for an Inamdar to turn out a cultivator from his possession so long as he pays rent to him.

4th In that the Assistant Judge has left undetermined a material question at issue between the parties viz. Is the land Miras or guthkooler.

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

Joseph Arnold
J. Clerk.

MEMORANDUM OF COSTS incurred in Special Appeal No. 553.

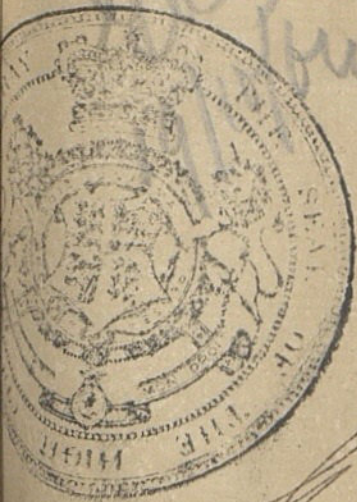
of 1864 against the decision of the *Asst^d Judge* of the District of *Poona* and disposed of on the *30th Sept^r 1864* by *Confirming the same with Costs.*

BY THE APPELLANT—

<i>In the District.</i>				
In the <i>Moonsiff's Court</i>	1	78	✓	
In the <i>Asst^d Judge's Court</i>	1	78	✓	
<i>In this Court.</i>				
Stamp for Memorandum of Special Appeal	1	"	✓	
Stamps for copies of Decree and Judgment	1	5	✓	
Stamp for Vukeelutnama <i>two</i>	4	"	✓	
Batta for Process and Postage	"	15	✓	
Sectioner's Fee	1	43	✓	
Vukeel's Fee	"	78	✓	
				2 154 ✓
				9 2 11 ✓
				Rupees.... 12 2 3 ✓

BY THE RESPONDENT.

<i>In the District.</i>				
In the <i>Moonsiff's Court</i> -	2	18	✓	
In the <i>Asst^d Judge's Court</i>	3	18	✓	
<i>In this Court.</i>				
Stamp for Vukeelutnama	2	"	✓	
Vukeel's Fee	"	78	✓	
				5 34 ✓
				2 78 ✓
				Rupees.... 7 11 ✓



Ch. L. M. S. S.
For Acting Registrar

Ch. L. M. S. S.
For scales

The 30 day of September 1864.