

In the High Court of Judicature, Bombay.

Thursday, the 14 day of April 1864.

SPECIAL APPEAL No. 56 or 1864.

Baloji bin Mahadji Lakkum
deceased his son and heir Lakkumun
of the Rutnagiri Collectorate of the
Konkan District
(Original Defendant)

Appellant

versus

Mahadaji Bullal deceased
his sons and heirs Ramchandr and
Lakshmunun minors by their mother
and guardian Parvathibai widow of
Mahadaji Bullal Kamut of the Rut-
nagiri Collectorate of the Konkan
District
(Original Plaintiff)

Respondent

Rs. 83. — 7 — 8.

The claim in the Original Suit was to recover certain amounts of assessment for a certain plot of a Nature the
: Nam. alleged to have been sent to the
Defendant.

In Appeal No. 39 of 1861 the Acting Collector
of the District of Rutnagiri at Rutnagiri reversed
the Decree of the ^{manulabur of Rutnagiri} who had thrown out the claim
of awarded the claim & allowing that for interest.

A Special Appeal was preferred in the High Court on the grounds that the decision
of the Acting Collector appealed against are:—

+ It is contrary to Law, in that—

The Lower Court has no jurisdiction
to try the case, in as much as, this is a suit in
regard

regard to the tenure by which the appellant
 (Defendant) holds the land in dispute, and
 the "nature and extent of the interest and
 "advantage which in virtue thereof—
 "should be enjoyed" by him (the appellant)—
 2nd Granting the fact that some annual
 rent was due to the Respondent, the Lower
 Court should have required him
 (the Respondent) to prove the amount
 claimed..

The Court reverse the decree
 of the collector and remand the suit in
 order that it may be decided

1st Whether the rights of the lease in
 the lease granted by outajie to Kallaje
 have been assigned or transferred
 to Mahadajie if so:

2nd What real the representatives
 of Mahadajie (Plaintiff) are entitled
 to recover under the said lease..

Costs to follow the final decision

A. H. M. Forbes.
 H. P. M. Fisher

Bill of Costs

In this Court
 By the Appellant

Stamps for Copies of decree & judgment	3
Stamp for Vekhalituanua	2
Batta for Process and Postage	1	2	..
Sectioner's Fee	"	6	9
Vekheel's Fee one fourth	"	10	..
			<u>7. 2. 9</u>
			<u>7. 2. 9</u>

By

By the Respondent

Stamp for Vukatehuama _____ 2

Vukueli's Fee one fourth. _____ " 10 " 2 10

Rupees 2. 10 ..



R West
Sealer

R West
Registrar

The 14th Day of April 1864.

Issued a Certificate on Her Majesty's Treasury Bank of Bombay for the refund of Rs eight (8) being the value of the Stamp used for Special Appeal in this case.

14th April 1864.

R West
Registrar.

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1864