

Journal

In the High Court of Judicature, Bombay.

For day, the 30th day of September 1864.

SPECIAL APPEAL No. 564 of 1864.

Rashiba bin Bapooji Patil —
Thakoor of the Poona District —

Appellant

_____ (Original Plaintiff)

versus

Gennoo, deceased, his heirs and
brothers Gunputi and Nesso and
Rukhnaji bin Mukoonda —
of the Poona District —

Respondents,

_____ (Original Defendants)

Rs. 16—''—''—

The claim in the Original Suit was to recover a portion of certain
Guthrode called Thull Kundwad Bussam.

In Appeal No. 653 of 1862 the Principal Sudder Ameen
of the District of Poona at Poona confirmed
the Decree of the *Magistrate of the District* who had decreed a non-suit.

A Special Appeal was preferred in the High Court on the grounds that // the
decision of the Principal Sudder Ameen is opposed
to usage having the force of law in that according
to the survey rules para 9 it was competent for
Sudder

Sukoo to have the field in question [entered in
her name in the Government accounts] transferred
in the name of Appellant who agreed to cultivate
the same, ^{Pl. in Error} she was therefore in error in not
recognizing Appellant's title to it, ⁽²⁾ in that
^{the C.P. is in error} she has misconstrued the survey rules in
holding that in the event of a field being
relinquished by a person it should be
first offered to the person in possession
of it. That ~~the~~ substantial errors in law
in the investigation of the case have been
made which have produced errors in
the decision of the case upon its merits ⁽³⁾
in that the land in question was taken
up by Luxumun for cultivation from
Government and was his self acquired
property and after his death it was
entered in the name of his widow Sukoo
she was therefore competent to resign
it in favor of the Appellant.

The Court confirms the decree of the Principal
Sudder Ameen with cost.

Joseph Ansell
Att. Genl.

MEMORANDUM OF COSTS incurred in Special Appeal No. 564

of 1864 against the decision of the Principal S. Amis of the District of Poona and disposed of on the 30th Sep. 1864 by Confirming the same with Costs

BY THE APPELLANT—

In the District.

In the Moonseff's Court (with Reg. Fee) 6.158 ✓
 In the Principal S. Amis Court... 3.153 ✓
 10.151 ✓

In this Court.

Stamp for Memorandum of Special Appeal 1 .. ✓
 Stamps for copies of Decree and Judgment 3 .. ✓
 Stamp for Vukeelutnama *stwd.* 4 .. ✓
 Batta for Process and Postage 2 .. ✓
 Sectioner's Fee 1 .. ✓
 Vukeel's Fee " 78 ✓
 12.28 ✓
 Rupees.... 23.19 ✓

BY THE RESPONDENT

In the District.

In the Moonseff's Court 11.12.8 ✓
 In the Principal S. Amis Court... 2.78 ✓
 14.44 ✓

In this Court.

Stamp for Vukeelutnama 2 .. ✓
 Vukeel's Fee " 78 ✓
 2.78 ✓
 Rupees.... 16.12 .. ✓



W. D. ...

Attest For Acting Registrar
For Sealer

30 September 1864