

In the High Court of Judicature, Bombay.

Thursday, the 13 day of October 1864.

SPECIAL APPEAL No. 568 of 1864

Muhammad Ibrahim Wulud
Lootgodin Purkar of the Putna-
nagire Collectorate } Appellant,

_____ (Original Plaintiff)

versus

Shekh Daood Wulud Shekh
Ahmed Purkar of the Putna-
nagire Collectorate. } Respondent,

_____ (Original Defendant)

Rs. 3-6-"

The claim in the Original Suit was to recover Rs. 6-12-0 on account of
kharita & "Thull" of certain land of Mouje Sakrolee cultivated
by Shekh Daood.

In Appeal No. 10 of 1861 the acting collector
of the District of Kutcherry at Kutcherry reversed
the Decree of the Maulana of Kutcherry who had allowed Rs. 3-6 of the claim
& decreed that Shekh Daood pay rent on his land at Dharmadance
Rates.

A Special Appeal was preferred in the High Court on the grounds that (1) the
decision of the acting collector is contrary
to Law in that it is incompetent for a
Revenue Court to determine whether
the

the land to recover rent for which the present suit is instituted is Dharia (Government assessed) land or Khotee land because under act 16 of 1836 the business of determining whether a tenant or a Khot is the proprietor of land falls within the jurisdiction of a Civil Court and that (2) there has been a substantial error in law in the investigation of the case which has produced error in the decision of the case upon its merits in that the case was decided without settling any issues.

The Court confirm the decree of the Collector with costs on
Spl Appt

H. J. Tucker

J. W. Marden

MEMORANDUM OF COSTS incurred in Special Appeal No. 568

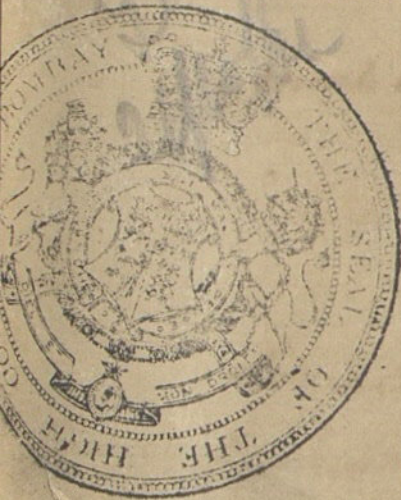
of 1864 against the decision of the Acting Collector of the District of *Ratuagiri* and disposed of on the 13th October 1864 by *Confirming the same with costs.*

BY THE APPELLANT—

<i>In the District.</i>			
In the <i>Acting Magistrate's Courts</i>	947		
In the <i>D^o Collector's Court (including v. 4 cc)</i>	117	1062	
<i>In this Court.</i>			
Stamp for Memorandum of Special Appeal	1	"	
Stamps for copies of Decree and Judgment	3	"	
Stamp for Vukeelutnama	2	"	
Batta for Process and Postage	1	1	
Sectioner's Fee	1	3	
Vukeel's Fee	"	17	857
		Rupees....	18119

BY THE RESPONDENT.

<i>In the District.</i>			
In the <i>Acting Magistrate's Courts</i>	397		
In the <i>D^o Collector's Courts</i>	467	8	" 2
<i>In this Court.</i>			
Stamp for Vukeelutnama	2	"	
Vukeel's Fee	"	17	217
		Rupees....	1019



[Signature]
 For Sealers
 The 13 day of October 1864.

[Signature]
 For Registrar