

In the High Court of Judicature, Bombay.

Thursday, the 13 day of October 1864

SPECIAL APPEAL No. 569 of 1864

Muhammad Ibrahim Mubud  
Lootfoodin Purkar of the Putna-  
-giri Collectorate ————  
————— (Original Plaintiff) } Appellant,

versus

Muhammad Ali Mubud Sheikh  
Muhammad Purkar of the Putna-  
-giri Collectorate ————  
————— (Original Defendant) } Respondent,

Rs. 17-7-6.

The claim in the Original Suit was to recover <sup>Rs. 29-6-6 on account of</sup> ~~rent due for the~~ ~~lands 1057/20-1059/54 "Mullta" & "Shull"~~ of certain land of ~~Group Sahrolee~~ cultivated by Mahomed Ali

In Appeal No. 9 of 1864 the acting collector of the District of ~~Putna-giri~~ at ~~Putna-giri~~ reversed the Decree of the ~~Magistrate at Marwar~~ who had decreed ~~Rs. 17-7-6~~ of the claim & decreed that ~~the~~ Mahomed Ali pay rent on his lands at ~~Dharaharree 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

Revenue Court to determine whether  
the land to recover rent for which the  
present suit is instituted is Dhara  
(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 confirms  
the decree of the S.D. with  
costs on Sp. Appt.

A. P. G. P. S.

A. M. S.

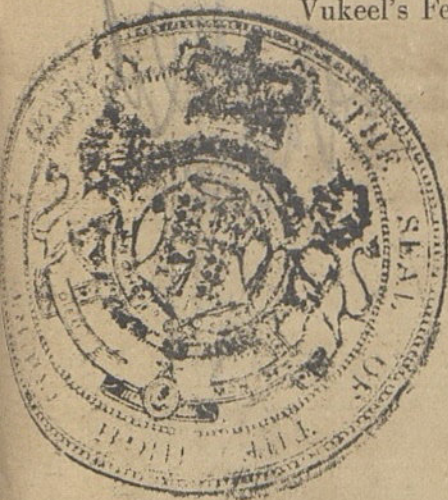
MEMORANDUM OF COSTS incurred in Special Appeal No. 569.  
of 186 4. against the decision of the Acting Collector of the  
District of Putnager and disposed of on the 13<sup>th</sup> October 1864  
by confirming the same with Costs -

BY THE APPELLANT—

<i>In the District.</i>			
In the Mamladar's Court.....	6154	✓	
In the Collector's Court (including " fees ).....	185	✓	879 ✓
<i>In this Court.</i>			
Stamp for Memorandum of Special Appeal .....	2	" "	✓
Stamps for copies of Decree and Judgment .....	3	" "	✓
Stamp for Vukeelutnama .....	2	" "	✓
Batta for Process and Postage .....	11	" "	✓
Sectioner's Fee .....	136	✓	
Vukeel's Fee .....	" 84	✓	91210 ✓
		Rupees....	1847 ✓

BY THE RESPONDENT.

<i>In the District.</i>			
In the Mamladar's Court.....	4149	✓	
In the Collector's Court.....	515	✓	10 " 2 ✓
<i>In this Court.</i>			
Stamp for Vukeelutnama .....	2	" "	✓
Vukeel's Fee .....	" 84	✓	284 ✓
		Rupees....	1286 ✓



*[Signature]*

For sealers

The 13<sup>th</sup> day of October 1864

*[Signature]*

For Stationary Registrar