

In the High Court of Judicature, Bombay.

Thursday, the 13 day of October 1864

SPECIAL APPEAL No. 570 of 1864

Muhammad Ibrahim Waked
Lootfoodin Purkar of the Putnagere
Collectorate

Appellant,

(Original Plaintiff)

versus

Shaboodin Waked Muhammad
Amin Purkar of the Putna-
giri Collectorate

Respondent,

(Original Defendant)

Rs. 68-9-6.

The claim in the Original Suit was to recover Rs. 184-3-6 on account of
"mulкта" & "Shull" of certain land cultivated by Shaboodin.

In Appeal No. 12 of 1861 the Acting Collector
of the District of Nutnagery at Nutnagery reversed
the Decree of the Munsif at Kurnee who had decreed No. 65-15-6 of the
claim & decreed that Shaboodin pay rent on his lands at the
= the 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 pro-
-priator of land falls within the juris-
-diction 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 App! Appet

A. H. Tucker

A. W. Mander

MEMORANDUM OF COSTS incurred in Special Appeal No. 570

of 1864 against the decision of the Acting Collector of the District of Putnagiri and disposed of on the 13th October 1864 by confirming the same with costs

BY THE APPELLANT—

In the District.

In the Acting Mamedass Court..... 20 15 8

In the Dⁿ Collector's Court (including Fⁿ) 3 " 11.

In this Court.

Stamp for Memorandum of Special Appeal 8 " 4

Stamps for copies of Decree and Judgment 3 " .

Stamp for Vukeelutnama 2 " .

Batta for Process and Postage 1 3 .

Sectioner's Fee 1 11 7.

Vukeel's Fee 2 " 11

24 " 7.

17 15 6.

Rupees.... 42 " 1.

BY THE RESPONDENT.

In the District.

In the Acting Mamedass Court..... 22 6 8

In the Acting Collector's Court..... 20 11 11

In this Court.

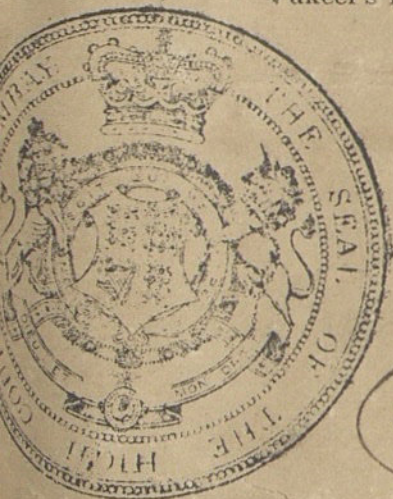
Stamp for Vukeelutnama 2 " .

Vukeel's Fee 2 " 11

43 2 7.

4 " 11.

Rupees.... 47 3 6.



For Sealers

For Acting Registrar

The 13 day of October 1864.