

In the High Court of Judicature, Bombay.

Thursday, the 30 day of June 1864

SPECIAL APPEAL No. 60 of 1864.

Imamkha Wulud Komurkha
Akhtiar Khani Inamdar of the
Ahmednugur District

Appellant

(Original Defendant.)

versus

Chhandbhai Wulud Phazulbhai
a blind by his step mother and
guardian Noorbibi Kom Phazul
bhai Inamdar of the Ahmed-
nugur District

Respondent

(Original Plaintiff)

Rs. 140 - 10 - "

The claim in the Original Suit was to recover the value of a half share of certain *muasa* lands in the villages of *Adli* & *Devadoli*.

cross
In Appeals No 557 of 1863 the Judge of the District of Ahmednugur at Ahmednugur confirmed with *Altogether in accordance* the Decree of the P. J. of Ahmednugur who had awarded to Noorbibi the *fourth* of the *muasa* lands of both Villages.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the District Judge is opposed to law in that the Plaintiff's father having died before his grandfather and grand mother he cannot according to the Mohomedan Law

Law claim a share in the property that (2) the claim is barred by the law of limitation. that (3) a substantial error in law in the investigation of the case has been made which has produced error ^{in the decision of the case} on its merits in that the plaintiff has not claimed the land called "Sone~~ra~~ Masid the courts below were in error in awarding it to him that (4) the field N^o 71 is not included in the previous decree the District judge was therefore in error in awarding it to the plaintiff that (5) the decree in the previous suit awards a share to Meherabeebe and the District judge should not have allowed to the plaintiff the land belonging to her that (6) the onus of proof is wrongly thrown upon the appellant and that (7) the claim is barred by the previous decree.

The Court confirm the decree of the D. Judge with costs.

Att. by Tucker

Seneca Jon Papadour

Bill of Costs

By the Appellant

In the District

In the Principal Sudder Admeen's Court — 29.11.8

D^o Judge's Court (including Vehicle's Fee) — 24.2.6

53.14.2

Cambridge^o — 53.14.2

Brought over Rupees 53.14.2

In this Court		
Stamp for Memo of Special appl ⁿ	8	11
Stamps for Copies of decree & judgment	5	14
Stamp for Vukhalutnama	2	11
Datta for Proceps and Postage	11	14
Sectioner's Fee	3	6
Vukhal's Fee	4	3
	23	8
	77	6
	77	6

Pay the Respondent

In the District

In the Principal Sude's Amern's Court	37	13
In Judge's Court	31	10
	69	7

In this Court

Stamp for Vukhalutnama	2	11
Vukhal's Fee	4	3
	6	3
	75	11



W. G. G. M.
Sealer

W. G. G. M.
Acting Registrar

The 30th day of June 1864.