

In the High Court of Judicature, Bombay.

Wednesday, the 23rd day of September 1864.

SPECIAL APPEAL No. 600 OF 1864

Vinayak Sukhumbhut &
Father of the Konkun District } Appellant,

_____ (Original Defendant)

versus

Bhugvantrao Kashirao &
Mokashi Inamdar of the } Respondent,
Poona District

_____ (Original Plaintiff)

Rs. 55-6-4.

The claim in the Original Suit was to recover possession of two fields and eject the occupant.

In Appeal No. 679 of 1863 the Assistant Judge of the District of the Konkun at Tanze confirmed the Decree of the Hon^{ble} J. of Poona who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) a substantial error in law has occurred in the investigation of the case which has produced an error in the decision of

of the case upon its merits in that
the Assistant Judge ordered the ap-
pellant to be dispossessed of the land
on the authority of a receipt executed
by a third party but the deed of mortgage
No 8 being in the name of the Appellant
and he being in possession of the property
the receipt passed by Bhik Josi a
third party without any authority
from the Appellant was not binding
on the Appellant and he could not
be ousted under it, that 1/2 the property
not being in Bhik Josi's possession he
was not competent to pass the receipt
nor was it competent to the respondent
to receive it according to the Hindoo
Law, that the Respondent was not
a party to the suit brought by
Bhik Josi and the claim in it was
not founded on the mortgage deed
No 8 and therefore the former suit is
no bar to the right of the appellant
The Court confirms the Decree of the
Assistant Judge with costs.

A. K. J. Forbes

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MEMORANDUM OF COSTS incurred in Special Appeal No. 600.

of 186 4 against the decision of the Assistant Judge of the District of the Roukum and disposed of on the 28th Sept^r 1864 by confirming the same with costs.

BY THE APPELLANT—

In the District.			
In the Moonseiff's Court	5. 15. 7.	✓	
In the Assistant Judge's Court	7. 10. 7.	✓	
In this Court.			13. 10. 2. ✓
Stamp for Memorandum of Special Appeal	4. " "	✓	
Stamps for copies of Decree and Judgment	3. 8. "	✓	
Stamp for Vukeelutnama	2. " "	✓	
Batta for Process and Postage	1. 1. "	✓	
Sectioner's Fee	1. 12. 9.	✓	
Vukeel's Fee	1. 10. 7.	✓	
			14. " 4. ✓
	Rupees....		27. 10. 6. ✓

BY THE RESPONDENT.

In the District.			
In the Moonseiff's Court	15. " 7.	✓	
In the Assis ^t Judge's Co ^u r ^t	2. 10. 7.	✓	
In this Court.			17. 11. 2. ✓
Stamp for Vukeelutnama	2. " "	✓	
Vukeel's Fee	1. 10. 7.	✓	
			3. 10. 7. ✓
	Rupees....		21. 5. 9. ✓



Madan
for seal

The 28th day of September 1864

Madan
For Noting Registration