

Poona Solapur

In the High Court of Judicature, Bombay.

Wednesday, the 5th day of Oct. — 1864.

SPECIAL APPEAL No. 601 OF 1864

Paru Kestin deceased by her
heir Seth Hosen Sherif the son
of Mohommad Sherif (a pauper)
of the Poona District

Appellant,

(Original Plaintiff)

versus

Nundram Sunderji Naik of
the Poona District

Respondent,

(Original Defendant)

Rs. 1200 — — —

The claim in the Original Suit was to

recover the amt. of ^{being below} ~~the~~ ~~sum~~
for three years less the amount of ~~the~~ ~~sum~~

In Appeal No. ~~147~~ of 1838
of the District of ~~Poona~~
the Decree of the ~~Judge~~

the ~~Judge~~ ~~at~~ ~~who~~ ~~has~~ ~~found~~ ~~for~~ ~~the~~ ~~Plf.~~ ~~to~~ ~~the~~
at ~~Poona~~ ~~reversed~~
who ~~has~~ ~~found~~ ~~for~~ ~~the~~ ~~Plf.~~ ~~to~~ ~~the~~

extent of Rs. 352-7-6.

A Special Appeal was preferred in the High Court on the grounds that

/// a
substantial error in law has occurred in the
investigation of the case which has produced
error in the decision of the case upon its
merits

merits in that the assistant judge has re-
jected the claim without attending to the
award passed by the court of the first instance
viz^y that for the delay that has taken place
in his receiving the money agreeably to decree
No 43 the Respondent is allowed interest
at the rate of 12 annas per cent per men-
sem and that the surplus produce i.e. that
part of the produce which the Respondent
has taken in excess of his claim should be
given to the Appellant that /2/ in the Decree
of the Sudder Adawlut it is so held that
after paying the mortgage money to the
Respondent the Appellant is to take pos-
session of the property but it is not so de-
clared therein that until the receipt of the
money by the Respondent he should take
the produce of the mortgaged property
and yet on this very ground the Appellant's
claim has been rejected which is an error
and that /3/ though the Appellant's claim
is properly laid in conformity with the
Appellate Court's decree No 5 it has
been rejected.
The Court conforms the decree of the Assistant

Judge with coat.

H. C. C. C. C. C.

A. D. M. A. D. M. A. D. M.

MEMORANDUM OF COSTS incurred in Special Appeal No. 601

of 1864 against the decision of the Assistant Judge of the District of Poorew and disposed of on the 5th October 1864. by confirming the same.

BY THE APPELLANT—

In the District.

In the Moonsiff's Court	86.7.9	✓		
In the Assn. Judge's Court	40.10.1	✓		
			127	10. ✓

In this Court.

Stamp for Memorandum of Special Appeal	32. " "	✓		
Stamps for copies of Decree and Judgment	3. " "	✓		
Stamp for Vukeelutnama	2. " "	✓		
Batta for Process and Postage	2. 7 "	✓		
Sectioner's Fee	2. 15. 6.	✓		
Vukeel's Fee	36. " "	✓		
			48. 6. 6.	✓

Rupees.... 205. 8. 4. ✓

BY THE RESPONDENT.

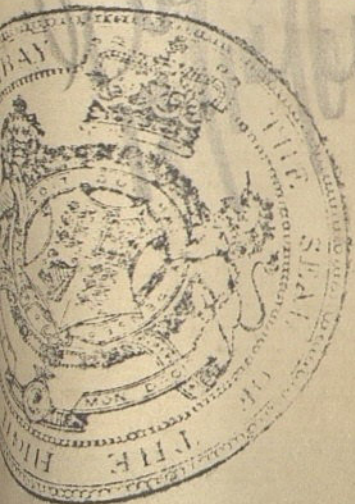
In the District.

In the Moonsiff's Court	48. 11. 8.	✓		
In the Assn. Judge's Court	71. 11. 1.	✓		
			120. 6. 9.	✓

In this Court.

Stamp for Vukeelutnama	2. " "	✓		
Vukeel's Fee	36. " "	✓		
			38. " "	✓

Rupees.... 158. 6. 9. ✓



H. W. S. Seal

H. W. S. Seal
for Acting Registrar

5. day of October 1864.