

Poona Solapur

In the High Court of Judicature, Bombay.

Monday, the 21 day of Dec 1864

SPECIAL APPEAL No. 604 - of 1864.

Umrostrav bin Purvotrav and
Doolojie bin Parjil and Situr-
=ji bin mumaraje and Buhir-
=ji bin Apaji and Mahadad-
=bin Shidaji and Sumbaji +
=bin Paraji and Shidoram
=bin Gurnaji Potil Mura-
=deem of the Poona District

Appellant,

(Original Defendants)

versus

Mauaji bin Jessingrav and Yes-
=so bin Raghaji and Patlo-
=bin Phondji and Krishnaji
=bin Phondji and Vittoji bin Shi-
=raji and Aba Sangaji and
=Siddha bin Daji and Yesu-
=wentrav bin Mahadadav and
=Apaji bin Mahadadav and
=Chinnaji bin Gurnaji and Raji
=bin Apaji and Patlo bin +
=Siddhoji and Surnuntav +
=bin Phondji and Patlo bin +
=mehipatav and Patlo bin
=Surnuntav and Apaji bin
=Sumbhaji and Vittoji bin Lau-
=hoji and Abaji bin Yessoji and
=Gurnaji bin H. betrav and Bul-
=pur trav bin Doolatrav Reg-
=top of the Poona District (Original
=Plaintiffs)

Respondent,

Rs. 1200 - - -

The claim in the Original Suit was to establish the title of
the plaintiffs to the sole enjoyment of the
patankar water of Pandem

In Appeal No. 112 of 1864 the Judge
of the District of Poona at Patil who had decreed for
the plaintiffs' sole title

A Special Appeal was preferred in the High Court on the grounds that (1) the
decision of the officiating Judge is
contrary to law, in that
(1) The lower court is wrong
in law in holding that "no oral
evidence"

"evidence can prove what were
"the rights of the parties during
"the last century."

(2) Exhibit N^o. 23 being the
last decree between the same par-
ties or their ancestors estops the
respondents from impeaching
the Appellants' title.

(3) The Lower Court has
committed an error in law in
presuming Exhibit N^o. 23 to
be tainted with fraud.

(4) The burden of proof has
been improperly thrown on the
appellants.

II That there has been an error
in law in the investigation of the
case which has produced substantial
error in the decision of the case on its
merits, in that,

Certain documentary
evidence was not received.

of
The decree of the Court below
with costs.

H. Couch

A. M. Ward

MEMORANDUM OF COSTS incurred in Special Appeal No. 604

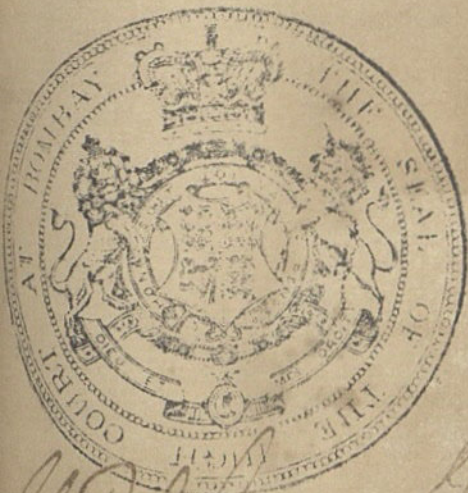
of 1864 against the decision of the Officiating Judge of the District of Poona and disposed of on the 21st December 1864 by confirming the same with costs.

BY THE APPELLANT

| In the District. | | |
|---|---------|---------|
| In the Moonisiff's Court (including V ^o F) | 81.2.. | |
| In the Judge's Court | 93.43. | 1746 3. |
| In this Court. | | |
| Stamp for Memorandum of Special Appeal | 50.. | |
| Stamps for copies of Decree and Judgment | 3.. | |
| Stamp for Vukeelutnama | 2.. | |
| Batta for Process and Postage | 42.. | |
| Sectioner's Fee | 1. 6. 9 | |
| Vukeel's Fee | 36.. | 1346. 9 |
| Rupees | | 30813.. |

BY THE RESPONDENT

| In the District. | | |
|--------------------------|-----------|-----------|
| In the Moonisiff's Court | 175 1/4.. | |
| In the Judge's Court | 38.. | 213 1/4.. |
| In this Court. | | |
| Stamp for Vukeelutnama | 2.. | |
| Vukeel's Fee | 36.. | 38.. |
| Rupees | | 251 1/4.. |



West
Registrar
The 21st day of December 1864