

In the High Court of Judicature, Bombay.

Tuesday, the 6 day of April 1866

SPECIAL APPEAL No. 609 of 1864

Sudashiv Ragoonath and Bal-
-krishna Luktshumon and
-Ganesh Jinaradhun and Balaji
-Bapooji and Apaji Bapooji Loday
-Kur Khotes of the Putnagiri Divi-
-sion of the Konkun District
(Original Defendants)

Appellants

VERSUS

Visaji Rughoonath Loday-
-Kur of the Putnagiri Divi-
-sion of the Konkun Dis-
-trict
(Original Plaintiff)

Respondent

Rs. 603-14-6.

The claim in the Original Suit was to recover damages for
the defts failure to allow the pff to collect
the rents of a Khote village leased to him for
five years

In Appeal No. 312 of 1863 the Acting Judge
of the District of the Konkun at Putnagiri confirmed
the Decree of the S. Ami at who Putnagiri who had
adjudged payment of Rs 500 as damages to the
pff

A Special Appeal was preferred in the High Court on the grounds that (1) the
decision of the Acting Judge is contrary
to Law in that

(1)

(1) the alleged lease was invalid for want of proper stamp that (2) the said lease was invalid for want of the consent of the fathers of three of the appellants that (3) the said lease was invalid and incomplete according to the admission of the Respondent himself in this cause that (4) the copy of the lease Exhibit No. 4 (6) is inadmissible for want of proper stamp and is moreover a document fraudulent on its very face that (5) the lower Court was wrong in admitting secondary evidence of the lease without proof of its due execution and existence thereof and that (6) the Respondent (Plaintiff) having himself produced Exhibit No. 11 the lower Court was wrong in not holding him bound by its terms.

II That there have been errors in law in the investigation of the case

which have produced substantial errors in the decision of the case on its merits in that.

(1) The lower court has misconstrued the receipt No. 9 which refers to transactions having nothing to do with the cause.

The court reverse the decree of the court below and reject the plaintiff's claim. Costs throughout to be paid by respondent in appeal.

H. H. P. P. P.

A. M. P. P. P.

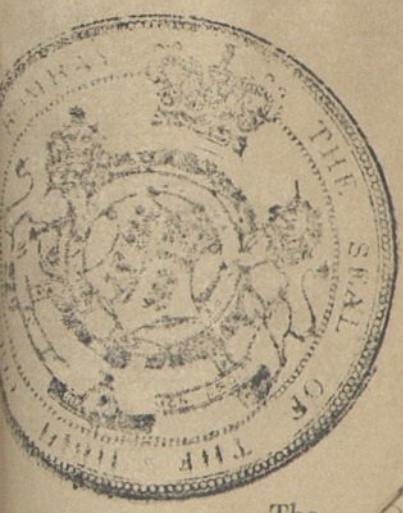
MEMORANDUM OF COSTS incurred in Special Appeal No. 609
of 1864 against the decision of the *Acting Judge* of the
District of the *Koukand* and disposed of on the 6th April 1866
by *reversing the same*.

BY THE APPELLANT

In the District.				
In the	<i>Sadar Amin's Court</i>	28	13	✓
In the	<i>Judge's Court</i>	52	12	10 ✓
In this Court.				818 10 ✓
Stamp for Memorandum of Special Appeal	.....	32	00	✓
Stamps for copies of Decree and Judgment	.....	3	00	✓
Stamp for Vukeelutnama	.....	2	00	✓
Stamp for an application to enter the name of the	.....		
Batta for Process and Postage	.....	1	7	00 ✓
Sectioner's Fee	.....	2	4	00 ✓
Vukeel's Fee	.....	18	10	00 ✓
				58 12 10 ✓
				Rupees.... 140 58 ✓

BY THE RESPONDENT.

In the District.				
In the	<i>Sadar Amin's Court</i>	75	36	✓
In the	<i>Judge's Court</i>	69	12	14 ✓
In this Court.				
Stamp for ^{two} Vukeelutnamas	.....	4	00	✓
Vukeel's Fee	.....	18	10	00 ✓
				22 1 10 ✓
				Rupees.... 167 08 ✓



J. W. Campbell

Sealer.

The 6 day of April 1866

R. West
Registrar.