

produced error in the decision of the case upon the merits in that

(a) The Court below found that the land in question was formerly the miras of the appellant, but that the wam lutdar having registered it as gutkooler and the opposite party having held it from the Revenue authorities as such the Collector should have been made a party to the suit

(b) The opposite party having been a tenant of the appellants as mirasdar till the time that the land was registered as gutkooler the change in the Revenue books could not alter the nature of the land nor affect the title of the appellant as against the opposite party.

The Court, considering that the Collector ought to have been originally made a party to the suit, reverses the decrees of both the lower Courts, and sends the case down for trial before the District Court, the Collector being added as a party, any necessary evidence being received, and a new judgment given on the merits.

This Court considers that in trying the suit, with the Collector thus added as a party

The legal validity of the sequestration of Unguici's property should be investigated, and that particular attention should also be paid to the extent and scope of the said sequestration, in order to ascertain whether it includes the property which is the subject of the present suit.

Costs to follow final decision.

Joseph Arnold
Abbeville, Forbes.

Toke
18-10-64

18/10/64

Issued a certificate on Her Majesty's
Treasury Bank of Bombay for the refund
of Rupees (4) Four being the value of Stamp
used for Special Appeal in this case.
Dated this 4th October 1864

18

[Signature]
For Acting Registrar

[Faint signature]

MEMORANDUM OF COSTS incurred in Special Appeal No. 612

of 1864 against the decision of the *Prince of Salim* of the District of *Poona* - and disposed of on the 4th Oct 1864 by remanding the same for retrial.

IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	3	0	0	✓
Stamp for Vukeelutnama	2	0	0	✓
Batta for Process and Postage	3	7	0	✓
Sectioner's Fee	1	6	0	✓
Vukeel's Fee one-fourth	4	6	7	✓
			10 3 7	✓
Rupees ...			10 3 7	✓

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	0	0	✓
Vukeel's Fee one-fourth	4	6	7	✓
			2 6 7	✓
Rupees....			2 6 7	✓



W. J. ...
For Acting Registrar

W. J. ...
For Sealer
The 4th day of October 1864