

In the High Court of Judicature, Bombay.

Wodekar day, the 20<sup>th</sup> day of April 1864.

SPECIAL APPEAL No. 62 OF 1864.

Derji bin Indaji Patil  
of the Ahmednagar District } Appellant  
(Original Plaintiff)

versus

Rapo bin Babaji Patil  
of the Ahmednagar District } Respondent  
(Original Defendant)

Rs. 22 - 8 - "

The claim in the Original Suit was to recover possession of certain land alleged to be "marai" and cultivated by the Dept owing to Plff's inability to cultivate it.

In Appeal No. 159 of 1863 the Assist. Judge of the District of Ahmednagar at Ahmednagar reversed the Decree of the Juff of Yeola who had awarded the claim, and threw it out with all costs.

A Special Appeal was preferred in the High Court on the grounds that the decision of the Appellate Juff appealed against was unfavourable that a substantial error in law in the investigation of the case has been made which has produced error in the decision of the case on its merits  
in

in that Gamao not having appealed against the moonseiff's decree which declared the agreement passed by him proved the Assistant Judge was in error in throwing out the claim on the ground that it is not proved. (2) that the Assistant Judge was in error in throwing the onus of proof on Bapoo.

The Court confirm the decree of the Assistant Judge with costs.

H. Hewton,  
 App. Judge,

Bill of Costs

By the appellants

In the District

In the Moonseiff's Court	_____	9.4.10	
In the App <sup>ts</sup> Judge's Court (including 7%)	_____	1.2.10	10.7.8

In this Court

Stamp for Memo. of Special App <sup>ts</sup>	_____	2 " 4	
Stamps for copies of decrees & judgments	_____	3 " 4	
D <sup>ts</sup> for two Vukhulituanas	_____	4 " 4	
Patte for Process and postage	_____	1.1 "	
Sectioner's Fee	_____	1.2 "	
Vukhul's Fee	_____	" 10.10	
			<u>11.13.10</u>

Rspees 22. 5. 6.

By the Respondent

In the District

In the Munsiff's Court

3-10-10

In the Judge's Court

4-10

7-11-87

In this Court

Stamp for Vakatanam (2)

4-10

Vakats' fee

10-10

4-10-10

Ruppes 12-6-6



R. West  
Registrar

R. West

Sealer

The 20<sup>th</sup> day of April 1884