

In the High Court of Judicature, Bombay.

Wednesday, the 5th day of October 1864

SPECIAL APPEAL No. 628 of 1864

Athos alias Katakhat bin
Gungadhurbhat Morlay of the Ahmed
nagar District — (Original Defendant.)

Appellant

versus

Lakshuman Guneshbhat of the
Ahmednagar District —
(Original Plaintiff.)

Respondent

Rs. 250-00-00

The claim in the Original Suit was to recover possession of house given by P. Y. to D. Y., and sold by latter in violation of an alleged deed of gift.

In Appeal No. 33 of 1864 the Judge of the District of Ahmednagar at Ahmednagar reversed the Decree of the J. of S. who had thrown out the claim

A Special Appeal was preferred in the High Court on the grounds that the Decision of the District judge is contrary to Law in that he has admitted parol evidence of a document to be given without any proof of its

its loss or notice to appellant to produce it,
that (2) the District judge has awarded the
restoration to the donor of a house which
he admits passed from him by gift to the
appellant this being contrary to Hindoo Law,
and that (3) there is no legal evidence in
the case to shew what the contents of the alleged
Deed of gift were.

The Court confirms the Decree of the District
Judge with costs.

Alex W.

A. S. M.

MEMORANDUM OF COSTS incurred in Special Appeal No. 628

of 186 4. against the decision of the Judge - - - - of the
 District of *Shimoga* and disposed of on the 5th October 1864
 by *Confirming the same with costs.*

BY THE APPELLANT—

| <i>In the District.</i> | | | |
|---|----|---|-------------------|
| In the <i>Moonseff's Court</i> | 24 | 8 | " |
| In the <i>Judge's Court (including fee)</i> | " | 8 | " |
| | | | 25 " " |
| <i>In this Court.</i> | | | |
| Stamp for Memorandum of Special Appeal | 16 | " | " |
| Stamps for copies of Decree and Judgment | 4 | " | " |
| Stamp for Vukeelutnama | 2 | " | " |
| Batta for Process and Postage | 1 | 7 | " |
| Sectioner's Fee | 1 | 4 | 6 |
| Vukeel's Fee | 7 | 8 | " |
| | | | 32 3 6 |
| | | | Rupees.... 57 3 6 |

BY THE RESPONDENT.

| <i>In the District.</i> | | | |
|--------------------------------------|----|---|--------------------|
| In the <i>Moonseff's Court</i> | 33 | 3 | " |
| In the <i>Judge's Court</i> | 26 | 3 | " |
| | | | 59 6 " |
| <i>In this Court.</i> | | | |
| Stamp for Vukeelutnama | 2 | " | " |
| Vukeel's Fee | 7 | 8 | " |
| | | | 9 8 " |
| | | | Rupees.... 68 14 " |



For Seal
 The 5th day of October 1864

Trusty
 For Acting Registrar