

In the High Court of Judicature, Bombay.

Friday, the 14 day of October 1864

SPECIAL APPEAL No. 629- of 1864.

Hammarsing Wulud  
Ramsing Passal of the Ward  
Shesh District (Original Plaintiff)

Appellant

versus

Ramsing Wulud Phoj-  
rajsing Passal of  
the Shandesh Dis-  
trict (Original Defendant)

Respondent

Rs. 939-12-00

The claim in the Original Suit was to recover the sum of Rs. 939.12 incurred by Hammarsing in getting his daughter married

In Appeal No. 29 of 1864 the Judge of the District of Shandesh at Shodha reversed the Decree of the Judge at Shandesh who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that the decision of the District Judge is against law in that the District Court committed an error in law

in not relieving the Appellants by  
setting aside the agreement Eschi-  
-bit N<sup>o</sup> 6 which in the face of its  
- essence out of the peculiar relations  
of the parties and operated un-  
-equivocally in the Appellants, that (2)  
- the onus probandi with reference to  
the Exhibit N<sup>o</sup> 6 ought to have been  
- thrown on the respondent; that (3)  
the District Judge has committed  
- an error in law in treating Eschi-  
-bit N<sup>o</sup> 6 as a deed of partition; -  
that (4) the District Judge has es-  
-cused in condemning evidence of  
an oral agreement which in no  
- way varied the terms of exhibit  
N<sup>o</sup> 6; that (5) the whole estate be-  
-ing admitted to be an estral pro-  
-perty the expenses attending the  
- marriages of appellants daughters  
ought to be charged on that pro-  
-perty according to Hindoo Law;  
that (6) the finding on the second  
- issue is not in accordance with  
that issue; and that (7) the Dis-  
-trict Judge was wrong in con-  
-demning hearsay evidence on  
the second issue -

The Court confirm the  
- decree of the Dist. Judge with costs  
- on App<sup>ts</sup> App<sup>ts</sup>

Asy. D. S. S.

D. W. Marden

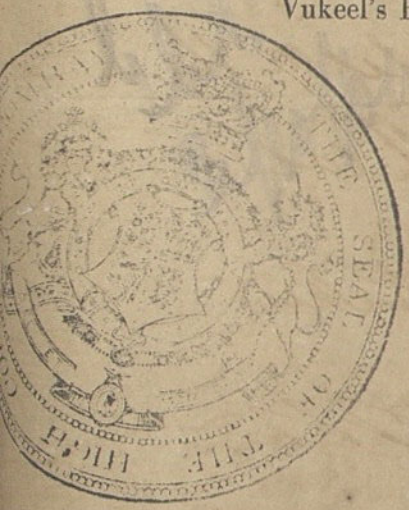
MEMORANDUM OF COSTS incurred in Special Appeal No. 629  
of 1864 against the decision of the judge of the  
District of *Nikandesh* and disposed of on the 14<sup>th</sup> October 1864  
by *confirming the same with costs*

BY THE APPELLANT—

In the District.				
In the <i>Mooneiff's Court</i>	.....	162	11	1
In the <i>Judge's Court</i>	.....	28	11	1
In this Court.				191.62
Stamp for Memorandum of Special Appeal	.....	50	"	"
Stamps for copies of Decree and Judgment	.....	4	"	"
Stamp for Vukeelutnama <i>two</i>	.....	4	"	"
Batta for Process and Postage	.....	2	"	"
Sectioner's Fee	.....	3	12	4
Vukeel's Fee	.....	28	3	1
				91.15.5
		Rupees	.....	283.57

BY THE RESPONDENT.

In the District.				
In the <i>Mooneiff's Court</i>	.....	58	15	3
In the <i>Judge's Court</i>	.....	81	15	3
In this Court.				140.14.6
Stamp for Vukeelutnama <i>two</i>	.....	4	"	"
Vukeel's Fee	.....	28	3	1
				32.3.1
		Rupees	.....	173.17



*[Signature]*  
For Deputes

*[Signature]*  
For Acting Registrar

The 14<sup>th</sup> day of October 1864