

In the High Court of Judicature, Bombay.

Now day, the 16th day of November 1864.

SPECIAL APPEAL No. 634 of 1864

Vadjiroji his Tutwa -
- jirav Rajawney (Deob.
- moolk of the Poona
District -
- (Original Plaintiff)

Appellant

versus

Pandoji his Pirajirav, and
Yesso his Kharajirav, and
Vata, and Naraji his Bw -
- praji, and Bapoo his Gund
- pertrav, and Lateer his -
- Maorajirav of the Poona
District - (Original Defendants)

Respondent

Rs. 10 - - -

The claim in the Original Suit was to ^{of the} ^{defendants} ^{using} ^{Vadjiroji's} ^{share} ^{of} ^{an} ^{open} ^{space} ^{of} ³ ^{compartments} ⁱⁿ ^a ^{house} ^{of} ^{also} ^{to} ^{put} ^a ^{stop} ^{to} ^{the} ^{use} ^{of} ^{the} ^{same} ^{which} ^{the} ^{defendant} ^{Yesso} ^{has} ^{put} ^{up} ⁱⁿ ^{the} ^{spot} ^{re-} ⁻ ^{ferred}

In Appeal No. 349 of 1863 the Principal St.
of the District of Poona at Poona reversed
the Decree of the ~~Principal St.~~ who had decreed for the Plaintiff

A Special Appeal was preferred in the High Court on the grounds that (1) sub-
-stantial errors in law in the in-
-vestigation of the case have been
made which have produced errors
in

in the decision of the case upon its
merits in that the Principal Sud-
-dur Ameen was in error in hold-
-ing the agreement N^o 37 not binding
upon the respondents on the ground
that it was executed to a third
person whereas it shows that it was
executed to the manager of the ap-
-pellant, that (2) the Principal Sud-
-dur Ameen was in error in giving
no opinion on the genuineness or
otherwise of the agreement N^o 37,
that (3) the Principal Suddur
Ameen was in error in rejecting
the release N^o 38 on the grounds
he has done since according to
Section 12 of Regulation 18 of 1827,
it is receivable in evidence altho'
on plain paper, and there is evi-
-dence in the case to show that
the property in question belongs
to the appellant; that (4) the re-
-lease and the mortgaged deed
which declare that the property in
question belongs to appellant hav-
-ing been attested and witnessed
by Sathia the Principal Suddur
Ameen was in error in ruling
that he is not estopped from dis-
-puting appellant's title; and that
(5) Sathia and Yesso having obid-
-ed by the Moonsiff's decree, and did
not appeal against it, the Prin-
-cipal Suddur Ameen was in er-
-ror in reversing the Moonsiff's de-
-cree so far as they are concerned.

The Court confirms the decree of the

MEMORANDUM OF COSTS incurred in Special Appeal No. 634

of 1864. against the decision of the *Prinicipal S^r Amin* of the District of *Poonah* --- and disposed of on the *14th Nov: 1864* by *confirming the same with costs.*

BY THE APPELLANT—

<i>In the District.</i>				
In the <i>Suder Aminis Court</i>	6 8 10	✓		
In the <i>Prinicipal S^r Aminis Court (including V^r Fee)</i>	" 12 10	✓	7 5 8	✓
<i>In this Court.</i>				
Stamp for Memorandum of Special Appeal	1 " "	✓		
Stamps for copies of Decree and Judgment	3 8 "	✓		
Stamps for Vukeelutnama <i>etc.</i>	4 " "	✓		
Batta for Process and Postage	1 9 "	✓		
Sectioner's Fee	1 7 "	✓		
Vukeel's Fee	" 4 10	✓	11 12 10	✓
			Rupees....	19 2 6 ✓

BY THE RESPONDENT,

<i>In the District.</i>				
In the <i>Suder Aminis Court</i>	3 13 10	✓		
In the <i>Prinicipal S^r Aminis Court</i>	3 4 4	✓	7 2 2	✓
<i>In this Court.</i>				
Stamp for Vukeelutnama	2 " "	✓		
Vukeel's Fee	" 4 10	✓	2 4 10	✓
			Rupees....	9 7 " ✓



For Justice
J. S. S. S.

For Justice
W. S. S. S.

The 14 day of November 1864.

Principal Puddes Cullen.

Costs on Special Appellant.

John Arnold

Attuloch Forbes

W. W. M. M. M.