

Poona & Solapur

In the High Court of Judicature, Bombay.

Monday, the 14 day of November, 1864

SPECIAL APPEAL No. 636 of 1864.

Moorharae bin Hourji Patil Koom-
sharkar and Gopal Khunderav
Koolkurni of the Poona District } Appellants

(Original Defendants.)

versus

Myral Vishwumblur and
Rungo Sudaseo Khudagullay
Muzoomdar of the Poona
District } Respondents

(Original Plaintiffs)

Rs. 3-11-0

The claim in the Original Suit was to recover half a share
of the proceeds of certain Gutthoolee land situated
at Koombhar Kullun.

In Appeal No. 50 of 1863 the P. Ameen
of the District of Poona at Poona reversed
the Decree of the Muzoomdar who had rejected the claim of
awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the
decision of the Principal Sudder Ameen is
contrary to law in that he has erroneously
awarded Gutthoolee land to Plaintiffs the
said

said land belonging to Government and De-
fendants (Appellants) holding as tenants
under Government and paying rent; that
(2) the Court below awarded a claim barred
by the law of limitations; that (3) the fact of
the land being entered in Respondents
name gives ~~them~~ ^{them} no title, and the Court
below erred in considering it did; that
(4) the Principal Suder Ameen has not
given effect to the document exhibit
No. 11; that (5) the Court below has mis-
construed document exhibit No. 11 in
holding it could not operate until the
land was actually transferred to appellants
name; that (6) there has been a substantial
error in law in the investigation of the
case which has ~~been made~~ ^{produced} error in the
decision of the case upon the merits in
that the Court below has omitted to go into
the question of limitations pleaded by
Appellant and has failed to pronounce
on the validity or otherwise of the docu-
ment Exhibit No. 11 and that (7) the
Court below has erred in saying that
Respondents had proved by evidence that
they leased the land in question on part-
nership account to others there being
no proof of this fact on the records of the case.

The Court confirm

MEMORANDUM OF COSTS incurred in Special Appeal No. 636.

of 1864 against the decision of the Principal S^r Amie of the District of Poona. — and disposed of on the 14th Nov^r 1864 by confirming the same with costs

BY THE APPELLANT

In the District.			
In the Moonseiff's Court	2. 35	✓	
In the Principal S ^r Amie's Court	1. 15	✓	
			3. 40
In this Court.			
Stamp for Memorandum of Special Appeal	1 " "	✓	
Stamps for copies of Decree and Judgment	3 " "	✓	
Stamp for Vukeelutnama	2 " "	✓	
Batta for Process and Postage	1 13	✓	
Sectioner's Fee	" 146	✓	
Vukeel's Fee	" 15	✓	
			8 12 11
			Rupees.... 12. 19. 5

BY THE RESPONDENT

In the District.			
In the Moonseiff's Court	6. 135	✓	
In the Principal S ^r Amie's Court	2 15 2	✓	
			9 12 7
In this Court.			
Stamp for Vukeelutnama	" " "		
Vukeel's Fee	" " "		
			Rupees.... 9 12 7



[Handwritten signature]
 Juv Sealer

[Handwritten signature]
 "Asst. Registrar"

[Handwritten text at the bottom left]

the Decree of the P. S. A with costs
on Spl. Appl

H. Weston.
Att. Gen.