

In the High Court of Judicature, Bombay.

Tuesday, the 29th day of April 1864.

SPECIAL APPEAL No. 64 of 1864.

Buhirji wulud Nimbaji and
Bhimaji wulud Timaji and
Kasse wulud Maooji and
Mulhari wulud Hungoji of the
Ahmednugur District (Original Plaintiffs)

Appellants,

versus

Lakshmun and Varayun
wulud Piroo and ellhusoolwulud
Kondaji and Peeraji wulud
Trimbukji sate of the Ahmednugur
District (Original Defendants)

Respondents,

Rs. 62 - 8 - "

The claim in the Original Suit was to recover damages for interruption caused to the Peers by Defts in the performance of certain sacrificial rites during the Dussera festival.

In Appeal No. 268 of 1859 the Judge of the District of Ahmednugur at Ahmednugur confirmed the Decree of the Judge of York who had awarded Peers' claim to ~~Peers~~ the honors claimed each party bearing his own costs.

A Special Appeal was preferred in the High Court on the grounds that (1) 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 a material question at issue is left undecided viz. Are the Respondents proved to be the patils of the village as alleged by them. that (2) the District Judge was in error in holding "that the sacrificial cake is divided" by the Plaintiffs into two shares for themselves and one for the Defendants "since there is no evidence whatever in the case to warrant this finding: that (3) the onus of proving that the Respondents have share in the honors attached to the office of Patils should have been thrown upon them: and that (4) the District Judge has given no opinion as to the validity or otherwise of the document etc. 59.

The Court

~~Amend the decree of the Judge~~ declaring that there is no evidence to prove that the Dept. is entitled to one-third of the sacrificial cake

~~The Court therefore~~ reverse so much of the Judge's decree as relates thereto and confirm the remainder with costs.

Atchank Forbes
H. Weston.

Bill of costs
By the appellants
In the District

In the moonieff's court _____ 26 8"
D^o Judge's court _____ 9 10" 36 20

In this Court

Stamp for memo. of special app^l _____ 4 " "
Stamps for copies of decree & judgment _____ 3 8 "
D^o for two Vithalutramas _____ 4 " "
Batta for Process and Postage _____ 2 6 "
Sectioner's Fee _____ 1 8 6
Vithal's Fee _____ 1 14 " 17 4 6
Ruppes 53 6 6

By the Respondents
In the District

In the moonieff's Court _____ 22 6 "
D^o Judge's Court (including V. Fee) _____ 2 6 " 24 12 "

In this Court

Stamp for Vithalutramas _____ 2 " "
Vithal's Fee _____ 1 14 " 3 14 "
Ruppes 28 10 "



West
Registrar

West
Sealer

The 29th day of August, 1864.