

In the High Court of Judicature, Bombay.

Monday, the 21st day of November 1864.

SPECIAL APPEAL No. 648 of 1864.

Bhass Wuled Ganga
- ram Lohar of the
Ahmednagar District

Appellant

(Original Plaintiff)

versus

Purghoo and Bw.
- poos Sans of Fere -
- choo Lohar of the Ah.
- mednagar District

Respondent

(Original Defendant)

Rs. 300 - - - -

The claim in the Original Suit was to

obtain possession of a house as heir of one Yemsooball deceased from whom the Defendants claimed to hold under a deed of gift

In Appeal No. 47

of 1864

the

Judge

of the District of Ahmednagar at Ahmednagar on a remand in the Decree of the most Excellent Judge who had thrown out the claim as being barred by the Statute in dispute.

A Special Appeal was preferred in the High Court on the grounds that

the de-

cision of the District Judge is

contrary

contrary to law

a. In that the District Judge having found the first point referred by the High Court for decision in favour of Appellants erred in law in not awarding Appellants claim.

b. In that the District Judge having found the second point referred by the High Court for decision in Appellants erred in not awarding Appellants claim.

c. In that the respondents having failed to prove the deed of gift N^o. 9 and which they specially grounded their right to the property in dispute, the District Judge erred in not awarding Appellants claim.

d. In that the District Judge erred in rejecting Appellants claim on the ground that Respondents so called branch of the family had had possession during five generations of the premises in dispute this being of no avail for the purposes of proving a title by prescription, the said possession being only that of a member of an undivided Hindu family.

e. In that granting that Yemnanabacc did obtain a title by prescription, the question still was, who was her heir, and

this

MEMORANDUM OF COSTS incurred in Special Appeal No. 548
of 186 A against the decision of the Judge _____ of the
District of Ahmednagar and disposed of on the 21st November 1864
by reversing the same & amending that of the lower
- siff.

BY THE APPELLANT—

In the District.

In the Munsiff's Court.....	34. 2. "		
In the Judge's Court.....	32. 15. "		
			67. 1. "

In this Court.

Stamp for Memorandum of Special Appeal	16. " "		
Stamps for copies of Decree and Judgment	4. " "		
Stamp for Vukeelutnama	2. " "		
Batta for Process and Postage	2. 3. "		
Sectioner's Fee	1. 8. "		
Vukeel's Fee	9. " "		
			34. 11. "
		Rupees....	101. 12. "

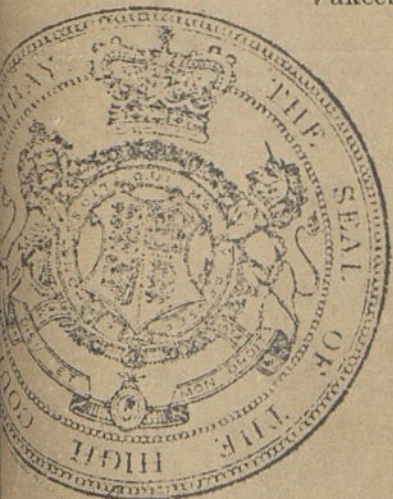
BY THE RESPONDENTS.

In the District.

In the Munsiff's Court.....	16. 10. "		
In the Judge's Court.....	26. 6. "		
			43. " "

In this Court.

Stamp for Vukeelutnama	2. " "		
Vukeel's Fee	9. " "		
			11. " "
		Rupees....	54. " "



[Handwritten signatures]
1st Appeal Judge

The 21st day of Nov. 1864

This question should have been decided
in Appellants' favour.

f. It is that the District Judge
has virtually upheld an aliena-
tion (found not to be proved) by
a childless widow, or concubine
of a male member of Appellants'
family this being contrary to Hindu
Law.

The Court reverses the decree of the
District Judge, and amends the
decree of the Munsiff, by awarding
possession to the Original Plaintiff
of the whole of the house claimed in
the Original suit; including the
two Khunds to which his claim was
disallowed by the Munsiff.

Costs on Special Respondents, Angluo
and Bapoo W. Keshoo. Through

Joseph Arnold

Attorney.

H. H. Dicker,