

Pooa & Solapur

In the High Court of Judicature, Bombay.

Tu day, the 27 day of April 1864

SPECIAL APPEAL No. 65 OF 1864.

Pamji bin Kalaji Sangde
of the Poona District

Appellant

(Original Plaintiff)

versus

Ujona bin Balaji Sangde
of the Poona District

Respondent

(Original Defendant)

Rs. 17. 7. 4.

The claim in the Original Suit was to obtain possession of
thirt acres of certain ancestral private
land.

In Appeal No. 853 of 1862 the Ag. Judge
of the District of Poona ~~reversed~~ reversed
the Decree of the ~~Magistrate~~ Magistrate
who had awarded the
share claimed

A Special Appeal was preferred in the High Court on the grounds that (1) a
Substantial error in law in the investiga-
tion of the case has been made which has
produced error in the decision of the case on its
merits in that the Acting Judge was in error

in

in receiving the extract from the Survey Register (No 67) as conclusive evidence against the Appellant without being corroborated by other proof: that (2) the Acting Judge was in error in giving no opinion as to the credibility or otherwise of the witnesses adduced by the Appellant to prove his claim: that (3) the Acting Judge was in error in ruling that the Principal Sudder Ameen should have received the Miras register as it is and not to have declared it erroneous and set it aside: that (4) even admitting for the sake of argument that the land is Gutholee it does not in any way affect the Appellants claim since 20 years adverse possession will not entitle the Respondents to retain possession of the land in question.

The Court confirms the decree of the Court below with costs

Mintoek Forbes.
R. Couch

Bill of costs	
By the appellant	
In the District	
In the Principal Sudder Ameen's Court	9.6.4
including v. fee	
In Judge's Court (including v. fee)	1 " 4
In this Court	10.6.8
Stamp for memo, of special appl.	2 " "
Stamps for copies of Decree & Judgment	1 8 "
Stamp for Vakalatnama	2 " "
Bill for Procep and Postage	" 11 "
Sectioner's Fee	" 14 "
Wheels Fee	" 8.4
	7.9.4
	<u>Rspees 18 " "</u>

By the Respondents
In the District

In the Principal S^r Amers' Court ————— 2. 9. 4

In the Judge's Court ————— 3 13 4 6. 6. 8

In this Court

Stamp for Vakalatnama ————— 2 11 1/2

Vakals Fee, ————— 11 84 2, 8, 4

Rupees — 8 15 1/2



R West
Registrar

R West
Dealer

The 22nd day of April 1864