

In the High Court of Judicature, Bombay.

Wednesday, the 30th day of November 1864.

SPECIAL APPEAL No. 659 of 1864.

Chimnaji bin Limbaji Patil
of the Poona District

Appellant

(Original Plaintiff)

versus

Ababulountrav and Bab-
-jibulountrav of the Poona
District

Respondent

(Original Defendants)

Rs. 23-15-00

The claim in the Original Suit was to recover possession of certain areas land in the village of Nivare.

In Appeal No. 194 of 1863 the Prin! Sudder Ameen of the District of Poona at Poona reversed the Decree of the Mof. Judge who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that the decision of the Principal Sudder Ameen is opposed to law in that he was in error in

in throwing out the claim as barred by the law of limitation whereas according to section 2 of act 14 of 1859 no length of time shall bar a suit against a trustee or his heirs for the purpose of following in their hands the specific property which is the subject of the trust; that (2) the Principal Sudder ameen has left undetermined a material question at issue between the parties viz was the possession of the defendant was that of a trustee or as a proprietor; and that (3) the Principal Sudder ameen was in error in holding that the cause of action arose more than 12 years ago.

The Court confirms the decree of the Principal Sudder Ameen.

Court on Special Appeal.

Atkins & Forbes,

Attys General,

MEMORANDUM OF COSTS incurred in Special Appeal No. 659.

of 1864 against the decision of the *Princpl. Amin* of the District of *Poona* — and disposed of on the 30th Nov. 1864 by *confirming the same with costs*

BY THE APPELLANT—

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|--|----|----|---|------------------|
| <i>In the District.</i> | | | | |
| In the <i>moonsiffs court</i> | 30 | 7 | 3 | |
| In the <i>Princpl. S. Amin's court.</i> | 1 | 11 | 6 | |
| | | | | 32 29 |
| <i>In this Court.</i> | | | | |
| Stamp for Memorandum of Special Appeal | 2 | " | " | |
| Stamps for copies of Decree and Judgment | 3 | " | " | |
| Stamp for Vukeelutnamas <i>two</i> | 4 | " | " | |
| Batta for Process and Postage | 1 | 5 | " | |
| Sectioner's Fee | 1 | 2 | " | |
| Vukeel's Fee | " | 11 | 6 | |
| | | | | 12 26 |
| | | | | Rupees.... 44 53 |

BY THE RESPONDENT.

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|---|----|----|---|--------------------|
| <i>In the District.</i> | | | | |
| In the <i>moonsiffs court</i> | 12 | 1 | 3 | |
| In the <i>Princpl. S. Amin's court.</i> | 6 | 14 | 8 | |
| | | | | 18 15 11 |
| <i>In this Court.</i> | | | | |
| Stamp for Vukeelutnamas <i>two</i> | 4 | " | " | |
| Vukeel's Fee | " | 11 | 6 | |
| | | | | 4 11 6 |
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R West
Sealer
1864

R West
Registrar