

In the High Court of Judicature, Bombay.

Tues ~~Monday~~ day, the 7th day of ~~November~~ 1864 ~~to August~~ 1886

SPECIAL APPEAL No. 662 of 1864

Phoondabai wife of Hantising of
the Ahmednagar District

Appellant,

(Original Plaintiff)

versus

Luchmousing Motiram Purdese
Brahmun of the Ahmednagar
District

Respondent,

(Original Defendant)

Rs. 150 — " — " —

The claim in the Original Suit was to ^{recover possession}
of a house alleged to have been mortgaged
to Luchmousing

In Appeal No. 452 of 1863 the ^{Judge}
of the District of ~~Ahmednagar~~ at ~~Ahmednagar~~ reversed
the Decree of the ^{Judge} ~~Judge~~ who had decreed for the
~~Plaintiff~~

A Special Appeal was preferred in the High Court on the grounds that (1) substan-
-tial errors in the investigation of the case
have been made which have produced errors
in

in the decision of the case upon its merits in that
the Respondent having admitted the relationship
of the appellant with the deceased the ^{District} Judge was
in error in ruling that appellant is not competent
to bring this action as she has not obtained a certifi-
cate that (2) under the circumstances of the case
the onus of proving that appellant is not the
heir or legal representative of the deceased
should have been thrown upon the Respondent
that (3) the District Judge was in error in hold-
ing that the appellant acknowledged the genui-
ness of the deed of foreclosure there being no
admission to warrant such a finding that (4)
the deed of foreclosure is inadmissible in evi-
dence as being on plain paper and that there
is no legal evidence to prove the same and
that (5) the District Judge has disregarded
the principles of equity in holding that the property
was foreclosed by the money not being paid
in the given time.

The Court reverse the decree of
the District Judge and confirm
that of the Principal Sudder
Amree.

Costs on Respondent

A. Newby
Apr 14. 1868

MEMORANDUM OF COSTS incurred in Special Appeal No. 662.

of 1864, against the decision of the Judge of the District of Ahmednagar and disposed of on the 7th August 1866, by reversing the same & confirming that of the P. S. Ameen - Costs on S. Receipt.

BY THE APPELLANT—

In the District.

In the P. S. Ameen's Court 243 ✓
 In the Judge's Court (including V. Fee) 5 ✓
 In this Court. 293 ✓

| | | | |
|---|---|----|-----------|
| Stamp for Memorandum of Special Appeal | 8 | ✓ | |
| Stamps for copies of Decree and Judgment | 3 | ✓ | |
| Stamp for Vukeelutnama | 2 | ✓ | |
| Stamp for an application to enter the name of the _____ | 2 | ✓ | |
| Batta for Process and Postage | 1 | ✓ | |
| Sectioner's Fee | 1 | 93 | |
| Vukeel's Fee | 4 | 8 | 2293 ✓ |
| Registration Fee | 2 | 8 | |
| Rupees..... | | | 57 12 3 ✓ |

BY THE RESPONDENT.

In the District.

In the P. S. Ameen's Court 156 ✓
 In the Judge's Court 15 ✓
 In this Court. 306 ✓

| | | | |
|------------------------------|---|---|---------|
| Stamp for Vakeelutnama | 2 | ✓ | |
| Vukeel's Fee | 4 | 8 | 68 ✓ |
| Rupees..... | | | 36 14 ✓ |



W. M. M. M. M.
 Acting Registrar.

J. W. Campbell

The 4th day of August 1866. Sealer.