

In the High Court of Judicature, Bombay.

Thursday, the 17 day of November 1864.

SPECIAL APPEAL No. 664 of 1864.

Ball Mucoond Joharmul, of the Ahmednugur District;

Appellant,

(Original Plaintiff)

versus

Dawoodbhai W<sup>d</sup> Futhoobhai of the Ahmednugur District

Respondent,

(Original Defendant)

Rs. 671- - - - -

The claim in the Original Suit was to obtain possession of a house situated in the town of Ahmednugur.

In Appeals No. 7810 - of 1864 the Judge of the District of Ahmednugur at Ahmednugur amended the Decree of the P. S. J. at Ahmednugur who had decreed the restoration of the house to the Plaintiff on his paying Rs. 125- and awarded to the Plaintiff the house on payment of Rs. 241- -

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the District Judge is contrary to usage having the force of law in that he has awarded interest

interest exceeding the amount of the principal  
that (2) there has been a substantial error in  
Law in the investigation of the case which have  
produced an error in the decision of the case  
upon its merits in the following points vizt. that  
(3) the District Judge has erroneously held the  
bonds Nos 6 and 7 as proved against the interest  
of the appellant on the ground of their being so  
held before an interpleader action by the respondent  
in which the present appellant was not a party  
that (4) the District Judge has awarded possession  
of the whole house containing (20) twenty Muns  
instead of (12) twelve Muns contrary to evidence  
and to what is stipulated in the mortgage bond  
that (5) the District Judge has awarded the  
amount of the bond which is engrossed on a  
stamp paper of insufficient value and has erroneously  
admitted the same in evidence that (5) the  
District Judge has erred in omitting to raise  
and correctly decide a point of issue vizt. "  
whether the house in dispute is the identical  
house held under mortgage by the Respondent

J. H.

The Court confirm the Decree  
of the Judge with costs on  
the app't.

H. Newton,  
Att. Gen.

MEMORANDUM OF COSTS incurred in Special Appeal No. 664

of 1864 against the decision of the District Judge of the District of Ahmednagar, and disposed of on the 17<sup>th</sup> November 1864 by Confirming the Same.

BY THE APPELLANT—

In the District.				
In the P. Sudr Amceus Court	58	"	"	✓
(including Vukeel's Fee)				
In the Judge's Court (including V. Fee)	38	4	"	✓
			96	4
In this Court.				
Stamp for Memorandum of Special Appeal	32	"	"	✓
Stamps for copies of Decree and Judgment	4	8	"	✓
Stamp for Vukeelutnama	2	"	"	✓
Batta for Process and Postage	1	8	"	✓
Sectioner's Fee	2	1	3	✓
Vukeel's Fee	20	2	1	✓
			62	3
			4	✓
			Rupees	158
				7
				4

BY THE RESPONDENT.

In the District.				
In the P. S. Amceus	38	3	"	✓
In the Judge's Court	64	12	"	✓
			102	15
In this Court.				
Stamp for Vukeelutnama	2	"	"	✓
Vukeel's Fee	20	2	1	✓
			22	2
			1	✓
			Rupees	125
				1
				1



*Handwritten signature*  
1st Assistant Registrar

*Handwritten signature*  
For Sealer  
the 17<sup>th</sup> day of November 1864