

In the High Court of Judicature, Bombay.

7th day, the 18th day of November 1864.

SPECIAL APPEAL No. 559 of 1864.

Anna bin Phoo Kurnujkar } Appellant,

of the Satara District (Original Plaintiff)

versus

Babaji and Koochaba bin Deoji
and Narayan and Kuribin Babji
and Gungaram bin Koochaba } Respondents

of the Satara District (Original Defendants)

Rs. 30 — " — " — "

The claim in the Original Suit was to obtain possession of two shares of a house situated at the town of wall

In Appeal No. 559 of 1864 the District Judge of Satara at Satara pronounced the Decree of the District Judge who had awarded the claim

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of District Judge is opposed to law in that the District Judge was in error in throwing out

out the claim on the ground that the appellant
has no right of action whereas the former suit
was to obtain possession of property under
a mortgage and that this action being to obtain
possession as owner the causes of actions are
different and that (2) the District Judge having
held that the omission to include the pre-
= sent claim in the previous suit was not
wilful, was in error in applying the pro-
= visions of section 7 of Act 8 of 1869 to this case

The Court confirms the Decree of the Acting
District Judge with costs on Special Appellants,
without prejudice to their right, if so ad-
vised, to apply for a Review of Judgement in
the previous suit (Appeals No. 559 & 612 of 1860)

Joseph Arnold

Minister of Justice

J. M. Wilson

MEMORANDUM OF COSTS incurred in Special Appeal No. 669.

of 1864. against the decision of the *Acting Judges* of the District of *Satura* and disposed of on the 18th Novr 1864 by *Confirming the same with costs.*

BY THE APPELLANT—

In the District.				
In the <i>Mooneeff's Court</i>	4	7	8	✓
In the <i>Acting Judges Court</i>	1	14	5	✓
				6.61 ✓
In this Court.				
Stamp for Memorandum of Special Appeal	2	"	"	✓
Stamps for copies of Decree and Judgment	1	8	"	✓
Stamp for Vukeelutnama	2	"	"	✓
Batta for Process and Postage	2	12	"	✓
Sectioner's Fee	2	1	"	✓
Vukeel's Fee	"	14	5	✓
				11 3 5 ✓
Rupees....				17.96 ✓

BY THE RESPONDENT.

In the District.				
In the <i>Mooneeff's Court</i>	6	1	2	✓
In the <i>Actg Judges Court</i>	5	1	5	✓
				11 2 7 ✓
In this Court.				
Stamp for Vukeelutnama	2	"	"	✓
Vukeel's Fee	"	14	5	✓
				2 14 5 ✓
Rupees....				14.1 " ✓



W. B. ...
W. B. ...
For Dealer
The 10th day of November 1864.