

In the High Court of Judicature, Bombay.

Mon day, the 21st day of November 1864.

SPECIAL APPEAL No. 676 of 1864.

Gureshdas Willed
Jejnul Marwadi
of the Ahmednagar
District

Appellant

(Original Defendant)

versus

Krishinaji Wameer
Ahmednagar of the
Ahmednagar Dis-
trict (Original Plaintiff)

Respondent

Rs. 1405-4-4-

The claim in the Original Suit was to ^{Rs. 10000 due} recover a bond of Rs. 405-4-4 by a receipt.

In Appeal No. 70 of 1864 the ^{Judge} of the District of Ahmednagar at Ahmednagar decreed the Decree of the P.S. at Ahmednagar who had allowed the claim for the bond but reported that ^{the receipt} he had allowed the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) substantial errors in law 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 District Judge has misconstrued the agreement N^o. 3 in holding that the Appellant agreed to pay Rupees (1000) to the Respondent simply upon the institution of a criminal trial against Bhugwandass whereas it was to be paid as present on his being convicted, that (2) the agreement shews that the above amount was to be paid for the successful conduct of several criminal charges against Bhugwandass, the District Judge was in error in awarding the amount if the present to the Respondent altho he convicted only one charge against the Prisoner and in which he was acquitted; that (3) the District Judge was in error in enforcing the terms of the Contract N^o. 3 and 4 since the Appellant having received no consideration for them they cannot be enforced; that (4) the agreement N^o. 3 is void on account of its ambiguity and indistinctness; and that (5) the document N^o. 4 being not properly stamped is inadmissible in evidence the District Judge was in error in awarding the sum upon it. -

The Court reverses the decree of the District Judge and of the Prinl. Sudder Ameen; and

throws out the claim of the Original
Plaintiff.

Costs throughout on Special Respondent.

Joseph Arnold.

H. Weston.

Wm. Fisher,

MEMORANDUM OF COSTS incurred in Special Appeal No. 676-

of 1864 against the decision of the Judge of the

District of Ahmadnagar and disposed of on the 21st Nov^r 1864

by reversing the Decree of the Judge & confirming that of the Principal S^r Amin and throwing the ^{out} case of original Plaintiff

BY THE APPELLANT—

In the District.

In the Principal S ^r Amin's Court.....	14	10	6	✓
In the Judges Court (including V. fee).....	95	10	6	✓
			110	5

In this Court.

Stamp for Memorandum of Special Appeal	50	..	✓		
Stamps for copies of Decree and Judgment	4	..	✓		
Stamp for Vukeelutnama	2	..	✓		
Batta for Process and Postage	2	12	✓		
Sectioner's Fee	2	..	✓		
Vukeel's Fee	42	2	6		
			102	14	6
Rupees....	213	3	6	✓	

BY THE RESPONDENT.

In the District.

In the P. S. Amin's Court.....	98	14	..	✓	
In the Judge's Court	44	10	6	✓	
			143	8	6

In this Court.

Stamps for Vukeelutnama.....	4	..	✓		
Vukeel's Fee	42	2	6		
			46	2	6
Rupees....	189	11	..	✓	



W. P. ...
Indenter

H. ...
pt. ... Registrar

This 21st Nov^r 1864