

Ahmadnagar

In the High Court of Judicature, Bombay.

Monday, the 22nd day of November 1864.

SPECIAL APPEAL No. 678 of 1864

Chandrabhar and Haryaji
deceased by his sons and heirs
Hirachand and Lalchand
minors by their guardians
and Uncle Chandrabhar
of the Ahmadnagar Dis-
trict

Appellant

(Original Plaintiffs)

versus

Daji Ballal of the
Ahmadnagar Dis-
trict

Respondent

(Original Defendants)

Rs. 150-0-0

The claim in the Original Suit was to *cause Daji to vacate a house situated in the town of Parasi.*

In Appeal No. 14 of 1864 the *Judge* of the District of *Ahmadnagar* at *Ahmadnagar* confirmed the Decree of the *Magistrate* who *had thrown out the claim*

A Special Appeal was preferred in the High Court on the grounds that (1) *the decision of the District Judge is contrary*

contrary to law in that,

(a) The Court below has +
wrongly applied the law of li-
mitation to the Appellants' suit.

II

That there has been a +
substantial error in the pro-
cedure of the case which has
produced error in the decision
of the case upon merits in that

(a) The Court below has
overlooked the evidence in +
N^o. 40 in observing that there
is no evidence of any kind
to prove execution (of the +
mortgage deed) by Defendant's
father.

(b) The discrepancy noticed
by the District Judge in the
evidence of witness N^o. 37 does
not exist.

(c) The District Judge has
ignored the existence of Exhi-
bits N^{os} 5, 6 and 35 which +
place the genuineness of the
deed of sale N^o. 4 beyond ques-
tion.

(d) The Court below has +
misconstrued exhibit N^o. 3
in holding that Balambut
had no power to convey the
house - he having become +
owner thereunder.

The Court confirms the decree of the
District Judge.

Court on Special Appellant.

Joseph Arnold
Clerk.

MEMORANDUM OF COSTS incurred in Special Appeal No. 678

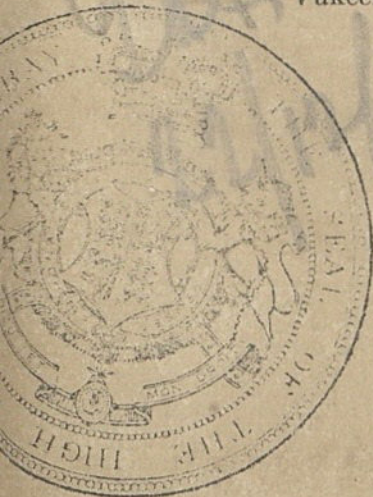
of 1864 against the decision of the Judge of the District of Ahmednagar and disposed of on the 22nd Nov^r 1864 by Confirming the same with costs.

BY THE APPELLANT.

<i>In the District.</i>			
In the Moonjeff's Court	30 5 "	✓	
In the Judge's Court (includ. reg. & fee) ..	14 12 "	✓	
			45 1 "
<i>In this Court.</i>			
Stamp for Memorandum of Special Appeal	8 " "	✓	
Stamps for copies of Decree and Judgment	3 8 "	✓	
Stamp for Vukeelutnama <i>s. two</i>	4 " "	✓	
Batta for Process and Postage	1 7 "	✓	
Sectioner's Fee	2 2 3 "	✓	
Vukeel's Fee	4 8 "	✓	
			23 9 3 "
			Rupees.... 68 10 3 "

BY THE RESPONDENT.

<i>In the District.</i>			
In the Moonjeff's Court	4 14 "	✓	
In the Judge's Court	5 8 "	✓	
			10 6 "
<i>In this Court.</i>			
Stamp for Vukeelutnama	2 " "	✓	
Vukeel's Fee	4 8 "	✓	
			6 8 "
			Rupees.... 16 14 "



[Signature]
For Deeds

[Signature]
Assistant Reg^r

The 22nd day of November 1864