

James

In the High Court of Judicature, Bombay.

~~Three~~ *Three* day, the *22nd* day of *November* 1864.

SPECIAL APPEAL No. *689* of 1864.

Ramji bin Jarji Kedukar Mali of

Appellant

the Poona District (Original Plaintiff)

versus

*Narayambin Kosaji Sadtkut Mali
and Whatarji bin Kosaji Sadtkut
Mali and Raghaji bin Ranji and
Lakshmun bin Apaji Sadtkut Mali
of the Poona District (Original Defendants)*

Respondents

Rs. *30-4-4*

The claim in the Original Suit was to *obtain an injunction to prevent*
~~the defendants from interfering with~~ *Ramji's right of using certain*
~~ground~~

In Appeal No. *494* of 1863 the *J. S. Mulla*
~~of the District of Poona~~ at *Poona* ~~was~~ *was* ~~appointed~~
the Decree of the *S. L. of Poona* who *had repelled the claim*

A Special Appeal was preferred in the High Court on the grounds that (1) *that the*
~~decision of the Principal S. L. of Poona~~
is contrary to law in that The Defendants were
bound by the auction sale of the land in dis-
pute and are stopped by their own acts
from

from raising any objections to the sale, and
that (2) there has been a substantial error
in law in the procedure of the case which
has produced error in the decision
of the case upon the merits in that.

(a) The onus probandi was improperly
thrown on the appellant by the lower
courts

(b) Exhibit 28, 35 was admitted in
evidence contrary to the rule Res inter
alios acta alteri nocere non debent and
was misconstrued

The Court confirms the decree of the
P. Sudder Courts.

Costs in Special Appellate.

Joseph Arundel
Klewin

MEMORANDUM OF COSTS incurred in Special Appeal No. 689.

of 1864 against the decision of the *Principl S. Amicus* of the District of *Poona* and disposed of on the *22nd Nov^r 1864* by *Confirming the same with Costs*

BY THE APPELLANT—

In the District.

In the *Principl S. Amicus* Court (including *2/4*) 6 " 5 ✓
 In the *Principl S. Amicus* Court..... 5 1 2 ✓

In this Court.

Stamp for Memorandum of Special Appeal 2 " ✓
 Stamps for copies of Decree and Judgment 3 " ✓
 Stamp for Vukeelutnama 2 " ✓
 Batta for Process and Postage 1 11 " ✓
 Sectioner's Fee " 15 6 ✓
 Vukeel's Fee " 14 5 ✓

11 17 ✓

10 8 11 ✓

Rupees.... 21 10 6 ✓

BY THE RESPONDENT.

In the District.

In the *Sud er Amicus* Court..... 14 2 3 ✓
 In the *Principl S. Amicus* Court..... 2 6 5 ✓

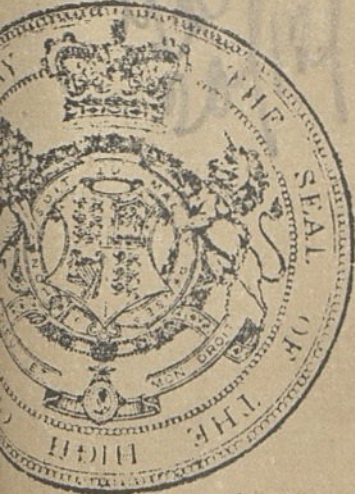
In this Court.

Stamp for Vukeelutnama 2 " ✓
 Vukeel's Fee " 14 5 ✓

16 8 8 ✓

2 14 5 ✓

Rupees.... 19 7 1 ✓



W. D. ...
For Sealer

W. D. ...
pt. asst. Regis.

1222
 22nd Nov^r 1864