

In the High Court of Judicature, Bombay.

Tuesday, the 22 day of November 1864

SPECIAL APPEAL No. 701 of 1864

Suruswutibai Kom Mora Bulal
Zoshi of the Konkan District } Appellant,

(Original Plaintiff)

versus

Bhiva bin Dhondoo Sarwat } Respondent,
of the Konkan District }

(Original Defendant)

Rs. 7-4-0

The claim in the Original Suit was to: recover a field & a piece
of "bad" land

In Appeal No. 38 of 1864 the Assistant Judge
of the District of the Noolka at Sausal reversed
the Decree of the Hoofal-Pann who had decreed for the
Plaintiff.

A Special Appeal was preferred in the High Court on the grounds that (1) the
Assistant Judge has committed an error in
law in computing the statutory period
of

of 12 years to run against the appellant
from the date of Respondent's possession of
the field since it ought and will, under the
provisions of act XIV of 1859, only run against
the appellant from the date when fraud
was discovered, that (2) the decision of the
lower Court is contrary to law and usage since
the fact of the Respondent holding a receipt
of payment of land revenue in his own
name, is not sufficient to constitute the
right of ownership to land. under circular
order No. 11 dated 3rd July 1847 and de-
cision in special appeal No. 505. and
that (3) there has been an error in the invest-
-gation of the case which has produced an
error in that the District Judge has omitted
to raise, himself, or even to consider and
weigh properly, the point of issue raised by
the Original Court, in respect of the fraudu-
lent transfer of the field by the Respondent in
his own name.

The Court confirms the
Decree of the Dy. Mag. with costs to the
Spl. Appl.

Atkuta Ch. Fother.

A. M. Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 401.

of 1864 against the decision of the *Asstt Judge* of the District of *The Northam* and disposed of on the 21st Nov^r 1864 by *confirming the same with costs.*

BY THE APPELLANT—

In the District.

In the <i>Moonsiff's Court</i> -	10	"	4		
In the <i>Asstt Judge's Court</i>	1	3	6		
<i>In this Court.</i>				11	3 10
Stamp for Memorandum of Special Appeal	1	"	"		
Stamps for copies of Decree and Judgment	2	"	"		
Stamp for <i>Vukeelutnama</i>	2	"	"		
<i>Gatta</i> for Process and Postage	1	"	"		
Sectioner's Fee	"	12	6		
<i>Vukeel's</i> Fee	"	3	6		
				7	"
Rupees....	18	3	10		

BY THE RESPONDENT.

In the District.

In the <i>Moonsiff's Court</i>	3	14	4		
In the <i>Asstt Judge's Court</i>	3	1	6		
<i>In this Court.</i>				6	15 10
Stamp for <i>Vukeelutnama</i>	2	"	"		
<i>Vukeel's</i> Fee	"	3	6		
				2	3 6
Rupees....	9	3	4		



W. D. ...
For scales

W. D. ...
1st Assistant Registrar

The 22nd day of November 1864