

In the High Court of Judicature, Bombay.

Monday, the 28th day of November 1864.

SPECIAL APPEAL No. 704 OF 1864.

Narayan bin Mahadji Patil -
Lawate of the Satara District -

Appellant,

(Original Defendant.)

versus

Kaloji bin Krishnaji Nagve of
the Satara District -

Respondent

(Original Plaintiff.)

Rs. 16 - " - "

The claim in the Original Suit was to cause a stop to be put to
Narayan's interfering with Kaloji's rights of "Mau
Jau" in Mouze Mohad Noo Do of.

In Appeal No. 134 of 1864 the Judge
of the District of Satara at Satara confirmed
the Decree of the Mofussil Magistrate who had awarded ~~nothing~~
*the claim for Plaintiff.

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

(1) This Suit by Kaloji bin Krishnaji
(Plaintiff)

(Plaintiff) will not lie.

(2) The suit is barred by Law of limitation.

(3) The Lower Court has decreed against the Defendant although it held no unwarranted interference proved.

(4) The Lower Court assumed the mere fact of filing of plaint sufficient to amount to interference -

(5) The rule of Law that a Plaintiff should prove his case by the strength of his own title has been disregarded.

(6) The Plaintiff having succeeded ~~to~~ to the wattan of a Musalman, who could not perform any Hindoo ceremonies is debarred claiming any privilege as his privy.

and that II) there has been an error in law in the investigation of the case which has produced substantial error in ~~the~~ decision of the case on its merits, in that, the Lower Court has not raised the most material issues viz: "with whom lay the possession?" and if with the plaintiff "can this suit be entertained?" And if with the Defendant, has the plaintiff proved his title.

MEMORANDUM OF COSTS incurred in Special Appeal No. 704

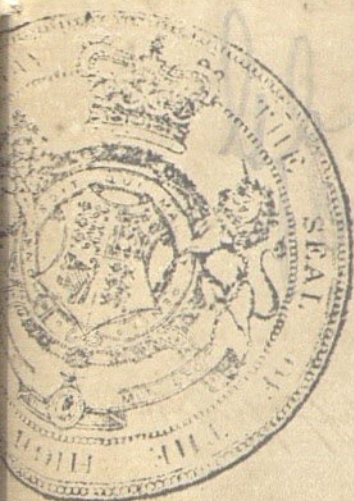
of 1864 against the decision of the Judge — — — of the District of Satara — and disposed of on the 28th Nov^r 1864 by amending the same.

BY THE APPELLANT—

| In the District. | | | | |
|--|----|------------|---|----------|
| In the Moonjeff's Court (including 5 Fees) | 14 | 18 | ✓ | |
| In the Judge's Court | 3 | 28 | ✓ | |
| In this Court. | | | | 17. 44 ✓ |
| Stamp for Memorandum of Special Appeal | 1 | " | ✓ | |
| Stamps for copies of Decree and Judgment | 2 | " | ✓ | |
| Stamp for Vukeelutnama | 2 | " | ✓ | |
| Batta for Process and Postage | " | 13 | ✓ | |
| Sectioner's Fee | 1 | 2 | ✓ | |
| Vukeel's Fee | " | 78 | ✓ | 7 68 ✓ |
| | | Rupees.... | | 24 11 ✓ |

BY THE RESPONDENT.

| In the District. | | | | |
|-------------------------|---|------------|---|---------|
| In the Moonjeff's Court | 7 | 168 | ✓ | |
| In the Judge's Court | 1 | 78 | ✓ | |
| In this Court. | | | | 9 34 ✓ |
| Stamp for Vukeelutnama | 2 | " | ✓ | |
| Vukeel's Fee | " | 78 | ✓ | 2 78 ✓ |
| | | Rupees.... | | 11 11 ✓ |



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 Spl. Assistant Registrar

The 28th day of November 1864

The Court amends the decree of the District
Judge by ordering each party to bear his own
costs in the original suit.

Costs of Special Appeal on Special Appellant.

R Couch

Hewitt.

A. W. Marden