

Poona & Sonapur

In the High Court of Judicature, Bombay.

Tues day, the 29th day of November 1864.

SPECIAL APPEAL No. 478 OF 1864

Balchundrar Venayak of the
Poona District

Appellant,

(Original Plaintiff)

versus

Hunmanta bin Bhuwanes Shinda
and Bapoo bin Bhuwani Shinda
of the Poona District

Respondents,

(Original Defendants)

Rs. 25-11-11

The claim in the Original Suit was to recover possession of the ground of a ~~hereditary~~ ^{hereditary} on which Hunmanta Bapoo & family had erected a shed for construction & labour of refused ~~to~~ ^{to} ~~re~~ ^{re} ~~l~~ ^l.

In Appeal No. 1460 of 1864 the ~~of the District of Poona~~ ^{P.S.A} at Poona ~~reverted~~ ^{reverted} the Decree of the ~~Magistrate of Poona~~ ^{Magistrate of Poona} who had ~~dismissed~~ ^{dismissed} the Plaintiff's claim.

A Special Appeal was preferred in the High Court on the grounds that ~~(1)~~ ⁽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 (1) the Principal Sudder Ameen having
held that with the exception of the "Padvee"
the land in question was used for erecting
"Taboots" and the Respondents having failed
in proving their prescriptive right to the
"Padvee" he was in error in not awarding it
to the Appellant and that (2) the Respondents
having admitted in their statement No. 102
that their occupation of the land in dispute
commenced only about 27 years ago i.e. 17
years before the institution of the suit the
Principal Sudder Ameen was in error in
holding that they had possession of it for
period of 75 years.

The Court conforms the decree of the
Prin^l Sudder Ameen.

Cost on Special Appellant.

H. Couch

H. Winton.

J. J. Winton

MEMORANDUM OF COSTS incurred in Special Appeal No. 718

of 1864 against the decision of the *Principal S. Amin* of the District of *Poona* — and disposed of on the 29th ~~of~~ ^{November} 1864 by *Confirming the same with costs*

BY THE APPELLANT—

In the District.

In the <i>Sader Amin's Court</i>	14. 14 "	✓
In the <i>Principal S. Amin's Court</i>	1 12 "	✓
		16 10 "

In this Court.

Stamp for Memorandum of Special Appeal	2 "	✓
Stamps for copies of Decree and Judgment	3 "	✓
Stamp for Vukeelutnama <i>two</i>	4 "	✓
Batta for Process and Postage	" 13 "	✓
Sectioner's Fee	1 10 "	✓
Vukeel's Fee	" 12 "	✓
		12 6 "
Rupees.....		29 " " ✓

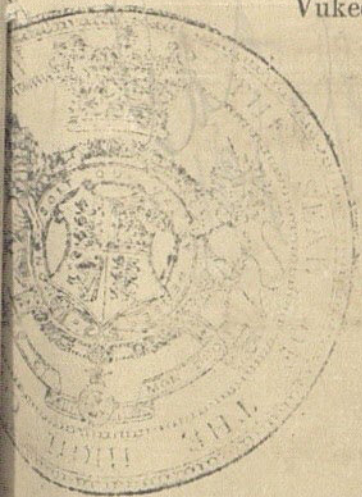
BY THE RESPONDENT. S.

In the District.

In the <i>Sader Amin's Court</i>	8 3 "	✓
In the <i>Principal S. Amin's Court</i>	4 " 3 "	✓
		12. 3 3 ✓

In this Court.

Stamp for Vukeelutnama	2 " ,	✓
Vukeel's Fee	" 12 "	✓
		2 12 " ✓
Rupees.....		14. 15 3 ✓



J. D. ...

W. ...

Tax Sealer

Magistrate & Registrar

The 29th day of November 1864.