

In the High Court of Judicature, Bombay.

Now day, the 5 day of Dec 1864

SPECIAL APPEAL No. 722 of 1864

Shas bin Apaji and  
Tiroo bin Audapa Khot of  
the Satara District (Original Plaintiffs)

Appellants

versus

Muloo bin Audapa Khadekar of  
the Satara District (Original Defendant)

Respondent

the Satara District (Original Defendant)

Rs. 764-10-00

The claim in the Original Suit was to recover certain land and a house, and certain cash and other property alleged to belong to the plaintiffs as heirs of one Peraka

In Appeal No. 1117 of 1864 the Judge of the District of Satara confirmed the Decree of the Magistrate who had decreed against the claim

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 as the appellants are next of kin to the deceased Peraka, the District Judge erroneously held the

The rights of a stranger, Muloo, to be superior  
to ~~them~~ <sup>them</sup> that (2) a substantial error in law  
in the investigation of the case has pro-  
duced error in the decision of the case  
upon its merits in that even if the  
appellants have lived separate for  
many years their claim as heirs is  
valid according to the Shastra in pre-  
ference to that of the stranger Muloo and  
that (3) both parties belong to the Jain  
persuasion and the Hindu Law is not  
applicable to them. and the decision has  
not been in accordance with the Jain  
persuasion.

with etc

The <sup>of opinion</sup> appeal is dismissed

R Couch  
Hewitt.

MEMORANDUM OF COSTS incurred in Special Appeal No. 722

of 1864 against the decision of the *Acting Judge* of the District of *Satara* — and disposed of on the 5<sup>th</sup> Decr 1864 by *dismissing the same with costs*

BY THE APPELLANT

*In the District.*

In the <i>Moonjeff's Court</i> .....	67 1 "		
In the <i>Judge's Court</i> .....	58 7 "		
			125 8 "

*In this Court.*

Stamp for Memorandum of Special Appeal .....	32 "		
Stamps for copies of Decree and Judgment .....	3 8 "		
Stamp for Vukeelutnama <i>Satara</i> .....	4 "		
Batta for Process and Postage .....	1 11 "		
Sectioner's Fee .....	1 13 6 "		
Vukeel's Fee .....	22 15 "		
			65 15 6 "

Rupees.... 191 7 6 "

BY THE RESPONDENT.

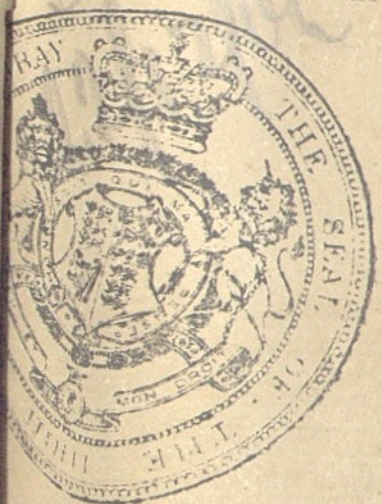
*In the District.*

In the <i>Moonjeff's Court</i> .....	33 5 "		
In the <i>Judge's Court</i> .....	23 15 "		
			57 4 "

*In this Court.*

Stamp for Vukeelutnama .....	2 "		
Vukeel's Fee .....	22 15 "		
			24 15 "

Rupees.... 82 3 "



*R. West*  
Sealer

*R. West*  
Registrar.

The 5<sup>th</sup> day of December 1864.