

In the High Court of Judicature, Bombay.

Monday, the 20th day of November 1864.

SPECIAL APPEAL No. 724 of 1864.

Babaji bin Balaji He-
-sum and Abaji He-
-re Manager of the He-
-restan Shree Darsi Keer-
-hive of the Satara Dis-
-trict ——— (Original Defendants)

Appellant

versus

Babaji bin Ramji -
-Karnam of the Sat-
-ara District ——— (Original Plaintiff)

Respondent

Rs. 11-7-6-

The claim in the Original Suit was to receive possession of 13³/₄ Bhegas of 3 Mauads of a certain piece of land

In Appeal No. 443 of 1863 the *Act Judge* of the District of *Satara* at *Satara* reversed the Decree of the *Magistrate* who *had thrown out the claim*

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the Acting District Judge is contrary to law, and that he has adjudicated on a claim

claim, and cause of action already
decided in the action brought
by Kasinobhai against present
Respondent, that (3) Respondent's
remedy being by execution of the
decees made in the action des-
cribed in the preceding point,
his present claim will not lie.
that (3) it being competent to
an Inamdar to lease independ-
ent priced like the Punt Pro-
tindhi to any tenant at
will from any of his lands, the
Acting District Judge has virtu-
ally held the converse, that (4) the
Acting District Judge has decreed
for specific performance of a
contract entered into by Kasino-
bhai and Respondent de hors
the present Appellants to the in-
jury of the said Appellants
rights, that (5) the Acting District
Judge tho' expressly finding that
the survey rules do not apply to
the village in question has never-
theless decreed according thereto
that (6) the Acting District Judge
has decreed for specific performance
of the contract mentioned in
Point 4 tho' the same was im-
perfect not being ratified by
the Punt; that (7) whatever was
the nature of the contract aforesaid
the Acting District Judge miscon-
strued the same in holding that
it was to be of any force except
during such time as Kasino-

-bhai

MEMORANDUM OF COSTS incurred in Special Appeal No. 724

of 1864 against the decision of the Acting Judge of the District of Satara — and disposed of on the 28th Nov: 1864 by reversing the same for retrial.

IN THIS COURT.

BY THE APPELLANT

Stamps for copies of Decree and Judgment	2	8	"	✓
Stamp for Vukeelutnama <i>two</i>	4	"	✓	
Batta for Process and Postage	"	13	"	✓
Sectioner's Fee	2	2	"	✓
Vukeel's Fee one-fourth	"	14		✓
				9 8 4
				Rupees ... 9 8 4 ✓

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	"	✓
Vukeel's Fee one-fourth	"	14	✓
			2 14
			Rupees.... 2 14 ✓



[Signature]

Jur Sealers

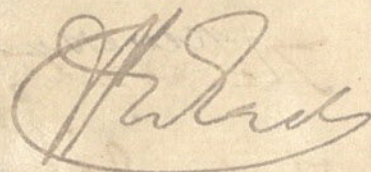
The 20th day of November 1864.

[Signature]
 "Registrar"

Issued a certificate on Her Majesty's
Treasury Bank of Bombay for the refund
of Rupee (1) one being the value of Stamp
used for Special appeal in this case.

Dated the 28th day of November 1864.

RM



1st Assistant Registrar

Certificate given to Registrar

= bhare, might hold the land in -
-question: and that (8) the Acting
District Judge erred in law in -
-questioning the Authority by which
Kassimbhare held the land in -
-question. -

The Court, finding that the Act. District
Judge has merely reversed the decree of the
Munsiff giving judgment against
the Plaintiff with costs on Kassam and
Babajee, but has passed no decree in the
suit for or against either party, remands
the case for the Judge to pass a decree.
Costs of this appeal on Special Appellant.

R. Coak

H. Lawton.

D. W. Menden