

In the High Court of Judicature, Bombay.

Thursday, the 24 day of *hoor* 1864

SPECIAL APPEAL No. 725 - or 1864

Mulhari Wulsi
Panna Garrow
of the *Shardesh*
District (Original Defendant)

Appellant

versus

Poojia Wulsi
do and Bhiwa Wulsi
and Abaji of whom
Poojia deceased
his heir and brother *Wulsi*
choo of the Shardesh
District (Original Plaintiff)

Respondent

Rs. 25-1-6

The claim in the Original Suit was to recover possession of a half share of an alienated *Sum* which *deft* had taken possession of since the entry during the summary settlement of his name in the *Cont Books*.

In Appeal No. *725* of 1864 the *Judge* *Shoolie* of the District of *Shardesh* at *Shardesh* *Sum* No 720 of 1863 *confirmed* his *order* reversing that of the *Deputy Magistrate* who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that the decision of the District Judge is

is contrary to law, in that,

(a) Though a point was urged to the effect that the Appellant was an heir of B. who after his decease the District Judge did not investigate it.

(b) It is an error to have passed a decision against the Appellant without having any evidence at all to prove the Respondent's proprietorship, and without mentioning whether there was such evidence or not.

(c) The District Judge did not lay down the proper point for investigation.

The Court confirms the decree of the District Judge with costs to the Appellant.

Atkinloch Forbes

A. M. Forbes

MEMORANDUM OF COSTS incurred in Special Appeal No. 726.

of 1864 against the decision of the Judge ----- of the District of *Wahadsh* - and disposed of on the 24 Nov 1864 by *confirming the same with costs* -

BY THE APPELLANT—

| <i>In the District.</i> | | |
|-------------------------------------------------------------------------|------------|---------|
| In the <i>Moonceff's Court</i> - | 10 61 | ✓ |
| In the <i>Judge's Court</i> <i>(including the costs or retained)</i> .. | 5 12 7 | ✓ |
| | | 16 28 ✓ |
| <i>In this Court.</i> | | |
| Stamp for Memorandum of Special Appeal | 2 .. | ✓ |
| Stamps for copies of Decree and Judgment | 2 .. | ✓ |
| Stamp for Vukeelutnama | 2 .. | ✓ |
| Batta for Process and Postage | 1 7 " | ✓ |
| Sectioner's Fee | 1 " : | ✓ |
| Vukeel's Fee | " 10 1. | ✓ |
| | | 9 1 1 ✓ |
| | Rupees.... | 25 39 ✓ |

BY THE RESPONDENT—

| <i>In the District.</i> | | |
|----------------------------------------|------------|------------|
| In the <i>Moonceff's Court</i> - | 14 71 | ✓ |
| In the <i>Judge's Court</i> - .. | 7 49 | ✓ |
| | | 21 11 10 ✓ |
| <i>In this Court.</i> | | |
| Stamp for Vukeelutnama | 2 .. | ✓ |
| Vukeel's Fee | " 10 1 | ✓ |
| | | 2 10 1 ✓ |
| | Rupees.... | 24 5 11 ✓ |



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In Seal
 The 24 November 1864