

Poona & Solapur

In the High Court of Judicature, Bombay.

Monday, the 28 day of November 1864

SPECIAL APPEAL No. 728 of 1864.

Ravi Raghooath Bhoude
of the Poona District.....

Appellant

(Original Plaintiff)

versus

Madhurav Vishwanath of the
Poona District.....

Respondent

(Original Defendant)

Rs. 675-0-0

The claim in the Original Suit was to establish Plaintiff's right to the prolabh Goomesthagere of the Deshpandia of Kulkarni Muttees of 10 1/2 Villages & to the prolabh Goomesthagere of the Lotikpau Muttee of 3 Villages, & to have these Villages made over to them.

In Appeal No. 1083 of 1862 the Judge of the District of Poona at Poona reversed the Decree of the Court below who had decreed in favor of the Plaintiff & threw out the claim.

A Special Appeal was preferred in the High Court on the ground that there has been a substantial error in law in the procedure of the case and which has produced error in the decision of the case on its merits.

in that.

a. The District Judge attached no value to Exhibit No. 11, for want of proof of its genuineness, contrary to the rule of law which declares that an instrument more than 30 years old proves itself.

b. The Exhibit No. 111, produced for the purpose of showing the Defendants' acknowledgment of the exercise of the rights claimed by the Appellant was erroneously rejected for want of a stamp.

c. The District Judge paid no attention to the admission made by the Respondent in his answers to Mr. Pringle, filed as Exhibits Nos. 81 and 131.

d. The District Judge was wrong in deciding that the Appellant had not held the disputed Written, because he did not show he had enjoyed the proceeds thereof.

The Court were in the Service of the D. J. with a total of 1/2 of the

Wincock Forbes.

H. H. Fisher

MEMORANDUM OF COSTS incurred in Special Appeal No. 728

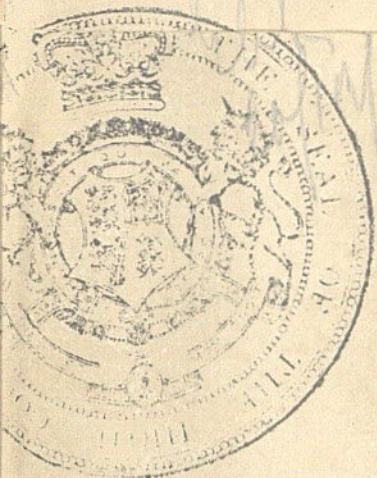
of 1864 against the decision of the Judge - - - of the District of Poona - and disposed of on the 28th Nov. 1864 by confirming the same with costs.

BY THE APPELLANT—

In the District.		
In the Moonseiff Court	117 9	✓
In the Judges Court	22 4	✓
		139 13 ✓
In this Court.		
Stamp for Memorandum of Special Appeal	32	✓
Stamps for copies of Decree and Judgment	3 8	✓
Stamp for Vukeelutnama	2	✓
Batta for Process and Postage	1 7	✓
Sectioner's Fee	2	✓
Vukeel's Fee	20 4	✓
		61 36 ✓
	Rupees	201 6 ✓

BY THE RESPONDENT.

In the District.		
In the Moonseiff Court	50 6	✓
In the Judges Court	61 15	✓
		112 5 ✓
In this Court.		
Stamp for Vukeelutnama & two	4	✓
Vukeel's Fee	20 4	✓
		24 4 ✓
	Rupees	136 9 ✓



[Signature]
[Signature]
 For Deuter
 Registrar

The 20th day of November 1864.