

In the High Court of Judicature, Bombay.

Tuesday, the 7<sup>th</sup> day of February 1865.

SPECIAL APPEAL No. 735 — OF 1864

Govind Balkrishna Penghey  
of the Putnagiri Division of the  
Konkan District (Original Plaintiff) Appellant

versus

Yessaji Narayun Nadkurni  
deceased his heirs Atmaran  
Narayun and Rughoonath Vishram  
and Bhaskar Krishna & Jugunnath  
Vitul of the Putnagiri Division of the  
Konkan District (Respondents)

Rs. 148. 7. 9.

The claim in the Original Suit was to redeem two ancestral  
Shickans alleged to have been mortgaged.

In Appeal No. 231 of 1863 the Act. Judge Putnagiri  
of the District of the Konkan at the date of the Decree of the  
the Decree of the J. of the District who had thrown out the claim

A Special Appeal was preferred in the High Court on the grounds that (1) the  
Acting Judge was wrong in point of law in  
disregarding the Equity rule of once a mort-  
gage always a mortgage: that (2) the  
Acting

Acting <sup>1st</sup> Judge was wrong in point of  
law in holding that property held by a  
mortgagee could not be redeemed by the  
mortgagor after a lapse of more than 30  
years: & that (3) the Acting <sup>1st</sup> Judge was  
wrong in refusing to admit documentary  
evidence offered by the Appellant.

The Court confirms the decree of the Actg.  
District Judge.

Costs on Special Appellant.

R. Couch

H. C. C. C.

A. M. W.

MEMORANDUM OF COSTS incurred in Special Appeal No. 736  
of 186 *H* against the decision of the <sup>Special</sup> Judge of the  
District of the *Koukan* and disposed of on the 7 February 1865  
by *confirming the same with costs.*

BY THE APPELLANT—

IN THE DISTRICT.

In the <i>Moosiff's Court</i> .....	20.49	✓
In the <i>S<sup>r</sup> Assis<sup>t</sup> Judge's Court</i> ..	17.13	✓
		37.62

IN THIS COURT.

Stamp for Memorandum of Special Appeal .....	8	"	"	✓
Stamps for copies of Decree and Judgment .....	3	"	"	✓
Stamp for Vukalutnama .....	2	"	"	✓
Stamp of an application to enter the name of the Appellant's heir .....	0	0	0	
Batta for Process and Postage .....	3	8	"	✓
Sectioner's Fee .....	"	14	5	✓
Vukeel's Fee .....	14	7	3	✓
				21.13 9

BY THE RESPONDENT—

Rupees.... 59 3 9 ✓

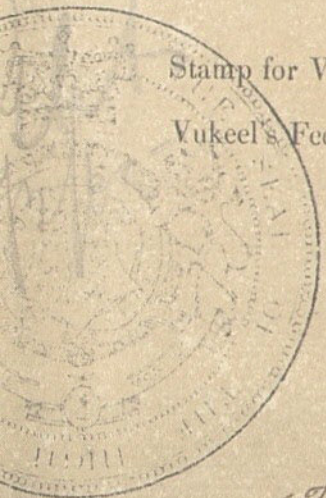
IN THE DISTRICT.

In the <i>Moosiff's Court</i> .....	22.159	✓
In the <i>S<sup>r</sup> Assis<sup>t</sup> Judge's Court</i> ..	4.158	✓
		27.15 "

IN THIS COURT.

Stamp for Vukalutnama .....	2	"	"	✓
Vukeel's Fee .....	14	7	3	✓
				16.73
				44.53

Rupees.... 44 5 3 ✓



*M. J. S.*  
*R. W. J.*

The 7<sup>th</sup> day of February 1865 - Registrar

735

Petition for review of Court's judgment  
in special appeal. N. 735 of 1864

In the High Court of Judicature  
Bombay, Appellate side

on the file

Govind Balchrisna Rese } Applicant

vs

Esaji Saragn Tada Kurmi, deceased  
his heirs, Atmaram Saragn Tada  
Kurmi, Raghunath Visram Tada  
Kurmi, Khushka Krishna Tada Kurmi  
and Jaganath Vithal Tada Kurmi } Respondents

Claim Rs 148-7-2.

The applicant in the above suit humbly prays  
for a review of judgment passed by this Hon'ble  
Court in special appeal N. 735 of 1864 on the  
7<sup>th</sup> of Feb<sup>r</sup> last on the following ground.

1. That the exhibit N<sup>o</sup> 41, which contains  
an acknowledgment by the Respondents of  
the applicant's claim to redeem the mortgaged

