

In the High Court of Judicature, Bombay.

Thursday, the 21st day of December 1864.

SPECIAL APPEAL No. 736 of 1864

Gunesh Khurdoo
Tambhare of the Konkan District

Appellant

District (Original Plaintiff)

versus

Naro Luktahmun and Vitul Luktahmun
and Bal Krishna Luktahmun and Luktahmun
Shreshwar Tambhare of these
Vitul Luktahmun and Luktahmun
Shreshwar, deceased their heirs brothers of
the former and sons of the latter, Naro and
Bal Krishna Luktahmun, Naro Luktahmun residing
at Ambegaw in the Poona District, and Vitul
Govind Gadge deceased his heirs his son Waso-
deo and his nephew Luktahmun Gungodhar,
Gadge of the Konkan District (original
Defendants)

Respondents

Rs. 454-2-7

The claim in the Original Suit was to

recover possession
of half a house and 12 fields made over to the
Deo Luktahmun, for the payment of debts from the produce,
by the Deo to his share the property and further in a division,
the debts having been paid by

In Appeal No. 437 of 1863 the
of the District of the Konkan at
the Decree of the Jy at Kharachi who

Assistant Judge
Tambhare
had decreed for the

claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the

decision of the Assistant Judge is contrary
to law in that he has misconstrued the
document No. 8 in the appeal, and the deed of
separation

deposition No. 22, and the statements of the
parties made in the course of this suit and
other documents in holding that there is no
proof of the arrangement which appellant
contends gave him a right of re-entry into
the property in dispute, and that (2) the ^{plaintiff} judge
has upheld a sale for which there was no consi-
deration, and failed to decide whether as Plaintiff
urged there was a failure of consideration or not.

The Court reserves
the decree of the Court below and
remands the cause in order that
the Judge may inquire whether
any sum remains due upon the
agreement between Swedish Kunds
and Vitul (inserted in the agreement
between Naso and Vitul ^{formerly} and
Court holds to have been a mortgage
and may have redemption upon pay-
ment of such sum. Costs to follow
the final decision.

R Couch
Hewitt

MEMORANDUM OF COSTS incurred in Special Appeal No. 736
of 186 4. against the decision of the Assistant Judge of the
District of the Ronkine and disposed of on the 22^d December 1864.
by remanding the same for retrial.

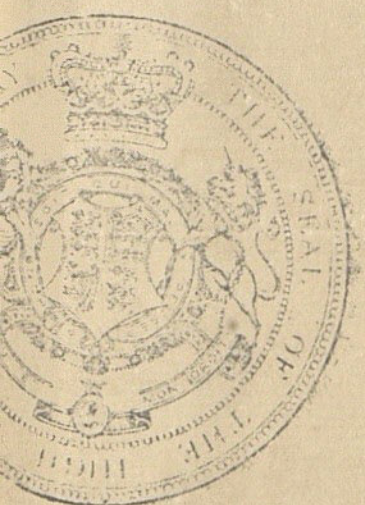
IN THIS COURT.

BY THE APPELLANT—

| | | | | | |
|--|---|---|---|------------|---------|
| Stamps for copies of Decree and Judgment | 3 | 8 | . | | |
| Stamp for Vukeelutnama (two) | 4 | . | . | | |
| Batta for Process and Postage | 3 | 6 | . | | |
| Sectioner's Fee | 2 | 6 | . | | |
| Vukeel's Fee one-fourth | 3 | 6 | 6 | | |
| | | | | 16 | 10 6 |
| | | | | Rupees ... | 16 10 6 |

BY THE RESPONDENT—

| | | | | | |
|-------------------------------|---|---|---|-------------|-------|
| Stamp for Vukeelutnama | 2 | . | . | | |
| Vukeel's Fee one-fourth | 3 | 6 | 6 | | |
| | | | | | 5 6 6 |
| | | | | Rupees | 5 6 6 |



R West
R West
Registrar

The 22^d day of December 1864.
Sealer
R West

Issued certificate on Her Majesty's
Treasury Bank of Bombay for the refund
of Rupees Thirty two (32) being the
value of stamp used for Special
Appeal in this case.

R. West
Registrar.

16.

Certificate given to the

Registrar

16/11/1880

