

In the High Court of Judicature, Bombay.

Two day, the 15th day of Dec 1864

SPECIAL APPEAL No. 737 of 1864

Mahadoo Wulud Batta Patel, Appellants, and Gunowulud Parkoo Patel of the Khandesh District (Original Defendants)

versus

Shraoim wulud yeshwant Patel and Lahanowulud Baba Patel of the Khandesh District (Original Plaintiffs)

Rs. 135

The claim in the Original Suit was to reestablish the plaintiffs' right as Patels to perform certain ceremonies

In Appeal No. 53 of 1864 the District of Khandesh at Shodhia awarded the Decree of the Muzal Jungoda who had decreed for the plaintiffs by awarding only that they were entitled to perform the ceremonies in station with other members of the paternal brotherhood

A Special Appeal was preferred in the High Court on the grounds that the decision of the District Judge is contrary to law in that he has admitted illegal evidence, to wit, the village statement No. 12

as proof in favour of Respondents, that (2) the Judge has decreed in favour of Respondents, although it appears that Appellants have nothing to do with the nomination of Respondents, which right of nomination rests with the head of the share, that (3) the Judge erred in awarding against Appellants if the right of nomination rested with them, for the possession of the right of nomination implies a right to exercise a discretion in the matter, and their failure to nominate the Respondents would give them no right of action that (4) the Judge has found for Respondents though their claim is of such a nature as not to be cognizable by a Court of Law that (5) the Judge made his decree both declaratory and injunction at the same time and that (6) without specific proof of when Respondents turn or come round, it was not competent to the Judge to award for Respondents under the circumstances.

The Court assigns
the decree of the District Judge with
costs
R Couch
H. Hewitt,

MEMORANDUM OF COSTS incurred in Special Appeal No. 737.

of 1864. against the decision of the *Judge* of the District of *Rhandesh* and disposed of on the 6th December 1864. by *confirming the same.*

BY THE APPELLANT—

IN THE DISTRICT.

In the *Munsiff's Court (including Vakeel's Fee)* 9 14 10
 In the *Judge's Court* 15 7 10

25 . 8.

IN THIS COURT.

Stamp for Memorandum of Special Appeal 8 " "
 Stamps for copies of Decree and Judgment 4 " "
 Stamp for Vukalutnama 2 " "
 Stamp of an application to enter the name of the Appellant's heir " " "
 Batta for Process and Postage 2 5 "
 Sectioner's Fee 1 6 4
 Vukeel's Fee 4 " 10

21 12 2

Rupees.... 46 12 10

BY THE RESPONDENT—

IN THE DISTRICT.

In the *Munsiff's Court* 30 8 10
 In the *Judge's Court* 4 8 10

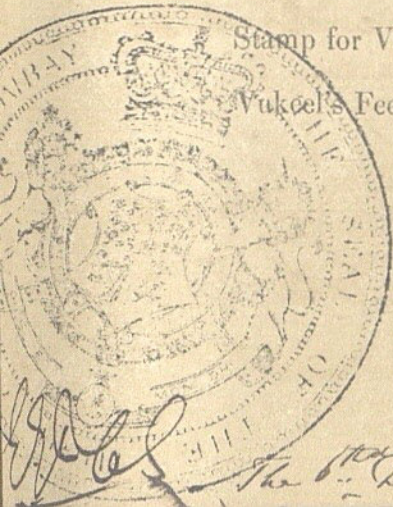
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IN THIS COURT.

Stamp for Vukalutnama 2 " "
 Vukeel's Fee 4 " 10

6 " 10

Rupees.... 41 2 6.



R. West
 The 6th December 1864

R. West
 Registrar