

In the High Court of Judicature, Bombay.

Thursday, the 6 day of July 1865.

SPECIAL APPEAL No. 740 of 1864.

Hootbuddin Wulud Saoodin Mookadum deceased his heir and widow Fatma & Shaik Ahmed Wulud Shaik Rookhmoodeen and Dharmoo alias Mahomed Jala Wulud Abaji Mookadum of the Putnagiri Division of the Konkan District — (Original Defendants),

versus

Jynoodin Wulud Mahomed Hoosen of the Putnagiri Division of the <sup>Kopkow</sup> District — (Original Plaintiff),

Respondent,

Rs. 152 - - -

The claim in the Original Suit was to <sup>revoke possession</sup> of certain land purchased by the plaintiff from one Hootbuddin, but wrongfully occupied by the defendants

In Appeal No. 272 of 1863 the ~~Acting Judge~~ of the District of <sup>Putnagiri</sup> the Konkan at <sup>Putnagiri</sup> the Decree of the <sup>Acting Judge</sup> ~~Magistrate~~ who had thrown out the claim and awarded the share of

A Special Appeal was preferred in the High Court on the grounds that the decision of the Acting Judge is against Law in that (1) The sale of a share in religious endowments and allowances is opposed to Mahomedan Law

Law -

(2) There is no legal evidence to support the finding of the <sup>Acting</sup> ~~Senior~~ Assistant Judge that the mortgages to Shaik Ahmed and Dharmoo are "fraudulent transactions".

(3) Therefore the Lower Court has committed an error in Law in presuming the said mortgages to be fraudulent.

(4) The Lower Court has committed an error in Law in holding that the aforesaid mortgages are invalid against the sale to Respondent.

By the Court consisting  
the decree of the Senior Assistant  
Judge with cost

Wmlock Forbes

H. Newton

MEMORANDUM OF COSTS incurred in Special Appeal No. 740 -  
of 1864 against the decision of the <sup>Act</sup> Sr. Assistant Judge of the  
District of the *Hankurand* disposed of on the 6 July 1865 -  
by confirming the same with costs.

BY THE APPELLANT—

IN THE DISTRICT.

In the <i>Moonsiff's Court</i> —	46	3	8		
In the <i>Senior Assistant Judge's Court</i> —	5	9	"		
				51	12 8

IN THIS COURT.

Stamp for Memorandum of Special Appeal .....	16	"	"		
Stamps for copies of Decree and Judgment .....	4	8	"		
Stamp for Vukalutnama .....	2	"	"		
Stamp of an application to enter the name of the Appellant's <del>name</del> .....					
Batta for Process and Postage .....	1	5	"		
Sectioner's Fee .....	3	13	9		
Vukeel's Fee .....	4	9	"	32	3 9

Rupees.... 84 . 5

BY THE RESPONDENT—

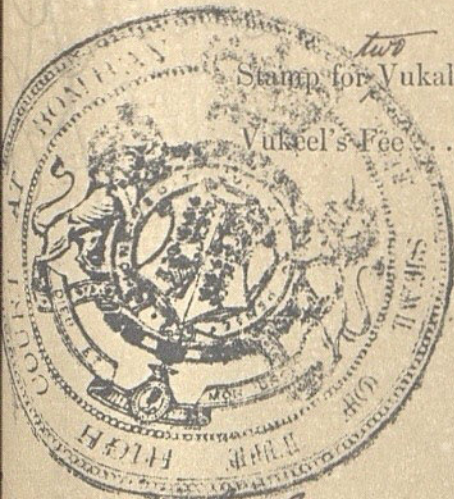
IN THE DISTRICT.

In the <i>Moonsiff's Court</i> —	43	12	5		
In the <i>Senior Assistant Judge's Court</i> —	37	14	9		
				81	11 2

IN THIS COURT.

Stamp for <sup>two</sup> Vukalutnama; .....	4	"	"		
Vukeel's Fee .....	4	9	"	8	9 "
				90	4 2

Rupees.... 90 4 2



*W. S. S.*  
Sealer

*R. S. S.*  
Registrar

6th July 1865