

In the High Court of Judicature, Bombay.

Two day, the 29th day of November 1864.

SPECIAL APPEAL No. 741 of 1864.

Govind Baboorao Vuradkar of
the Putnagiri Division of the
Konkan District. } Appellant,
(Original Plaintiff)

versus

Gyeshett Devshett Alwe of the
Putnagiri Division of the Kon-
kan District. } Respondent,
(Original Defendant)

Rs. 10-9-0-0

The claim in the Original Suit was to *cause the ejection of the said*
from certain Shikhar tablet to him

In Appeal No. *374* of 1863 the *Senior Assistant Judge*
of the District of *the Konkan at the detached station of Putnagiri*
the Decree of the *honourable Judge* who *had decreed for Plaintiff*

A Special Appeal was preferred in the High Court on the grounds that *the*
decision of the Senior Assistant Judge is contrary
to Law in that

- (1) It is against the terms of the contract sued upon.
 - (2) It is against the admissions of the Special Respondent.
- The*

(3) The Lower Court is wrong in holding that the Respondent's occupation since 1857/58 is that of a "rent ~~defendant~~^{dependent} on his paying the rent due to his Landlord."

(4) There is no evidence in the case to show that the nature of the Respondent's tenancy was such as the Lower Court has assumed it to be.

(5) The Respondent being a tenant is estopped from questioning the right of his Landlord to oust him.

The Court reverses the decree of the Sen^r.

Assistant Judge, and conforms the decree of the Moonsiff.

Costs throughout on Special Respondent

R Couch

H. W. M.

A. Marden

MEMORANDUM OF COSTS incurred in Special Appeal No. 741-

of 1864 against the decision of the Sr. Asst. Judge of the District of the Kanton and disposed of on the 29th Nov: 1864 by reversing the Decree of the Senior Asst. Judge and confirming that of the mooniff.

BY THE APPELLANT—

In the District.				
In the mooniff's court	.....	4	31	✓
In the Senior Asst. Judge's	.....	"	13	✓
			5	" 1 ✓
In this Court.				
Stamp for Memorandum of Special Appeal	.....	1	"	✓
Stamps for copies of Decree and Judgment	.....	3	"	✓
Stamp for Vukeelutnama	.....	2	"	✓
Batta for Process and Postage	.....	"	5	✓
Sectioner's Fee	.....	1	5	✓
Vukeel's Fee	.....	"	5	✓
			89	" ✓
		Rupees....	13	91 ✓

BY THE RESPONDENT.

In the District.				
In the mooniff's court	.....	2	6	✓
In the Senior Asst. Judge's court	.....	2	4	✓
			4	10 ✓
In this Court.				
Stamp for Vukeelutnama	.....	2	"	✓
Vukeel's Fee	.....	"	5	✓
			2	5 ✓
		Rupees....	6	15 ✓



The Respondent took charge on this day of the
[Signature]
 District Registrar
 Son Sealer

The 29th day of November 1864