

Poona & Solapur

In the High Court of Judicature, Bombay.

Friday, the 2nd day of December 1864.

SPECIAL APPEAL No. 758 of 1864

Savitri Kom Apaji Patel
Mokadum of the Poona District } Appellant,

(Original Plaintiff)

versus

Buherji ben Krishnaji Patel
of the Poona District. } Respondent,

(Original Defendant)

Rs. 13-11--

The claim in the Original Suit was to recover possession of some land.

In Appeal No. 13 of 1864 the Principal Sud. Ameen of the District of Poona at Poona reversed the Decree of the Muff. of Patas who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) there has been a substantial error in law in the procedure of the case which has produced

produced error in the decision of the case upon its merits in that there was a petition No. 40 to enter the name of the appellant as Plaintiff, that (2) the appellant being the wife of her deceased husband she is entitled to bring this action; that (3) the Government records Nos. 16, 30, 31, 33 and 50. have been misconstrued in as much as they show that the appellant is the mirasdar of the land in dispute; and that (4) the rent notes 24 and 25 having been held proved the Defendant should have been called upon to prove his 30 years' possession.

The Court finds that the Prin. Sudder Ameen has erroneously described the documents recorded as exhibits No. 31 and 32 in this cause as Lounee putraks, whereas the former is an extract from a survey Register, and the latter an extract from a list of cultivators (Koolwar putrak), and has probably (in consequence of this error) drawn wrong inferences in regard to the value of those documents as evidence to prove the Plaintiff's claim. The Court reverses the decree of the Prin. Sudder Ameen and remands the case that the following

issues may be determined -

1. Her Plaintiff established that the land in dispute was held on the lives terms and formed portion of an estate which vested exclusively in that branch of the Ingham family which is now represented by her son.

A new decree to be passed on the merits, awarding costs.

Attest: John P. Fisher,

Att'y for Plaintiff,

MEMORANDUM OF COSTS incurred in Special Appeal No. 758
of 186 A against the decision of the *P. Sader Amin* of the
District of *Poona* and disposed of on the 2^d December 1864
by *remanding the same for retrial.*

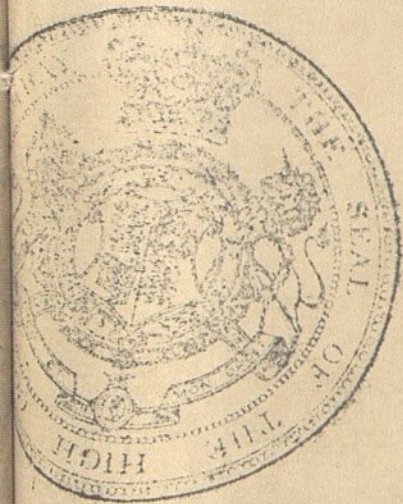
IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	1	8	..			
Stamp for Vukeelutnama	2			
Batta for Process and Postage	"	15	..			
Sectioner's Fee	"	10	9			
Vukeel's Fee one-fourth	"	1	7			
					5	2 A
					Rupees	5 2 A

BY THE RESPONDENT—

Stamp for Vukeelutnama	2			
Vukeel's Fee one-fourth	"	1	7			
					2	1 7
					Rupees	2 1 7



R. West
Sealer

R. West
Registrar

Done at Poona the 2nd December 1864.

288

Issued a certificate on His Majesty's
Treasury Bank of Bombay for the refund
of Rupee one being the value of stamps
used for Special Appeal in this case

R. West
Registrar.

Certificate given to Remy

SS

1.1.1
1.1.1
1.1.1

Registrar

The Registrar
1.1.1