

In the High Court of Judicature, Bombay.

Now day, the 5 day of Dec 1864

SPECIAL APPEAL No. 768 of 1864

Shaiikh Ahmed Wihud Muham-
-med Esak Inandar of the Ahmednugur District
Appellant

(Original Defendant)

versus

Shaiikh Ahmed Wihud Shaiikh
Tajoodin Inandar, deceased, his
son & heir Abdool Fatah alias
Futur Sahib of the Ahmednugur
District
Respondent

(Original Plaintiff)

Rs. 36-11-11

The claim in the Original Suit was to recover a share in
custom land together with the interest
profits thereof

In Appeal No. 81 of 1864 the Judge
of the District of Ahmednugur confirmed
the Decree of the District Judge who had decreed for
the claim

A Special Appeal was preferred in the High Court on the grounds that (1) the
decision of District Judge is opposed to law
in that the Courts below had no jurisdiction
to try the suit, it being for the recovery of
rent

rent of land, that (2) the claim is barred by
the law of limitation, that (3) substantial
errors in law in the investigation of the
case have been made which have pro-
duced errors in the decision of the case &
upon its merits in that ^{District} the judge has
misunderstood the nature of the claim, that
(4) the decree N^o. 54 of 1828 being time expired
and the District judge having held that
it was never executed, he was in error in
holding that it settles the question of the
Plaintiff's right to the land in dispute, that
(5) the District judge was in error in holding
that the decree N^o. 54 of 1828 will not bar
the Plaintiff's claim to the recovery of the
land; and that (6) the District judge has
illegally admitted certain extracts from
the Revenue records ^{as} as conclusive
proof of Plaintiff's claim.

The Court Confirms
the decree of the District Judge with
Costs

5 Dec 1864

R Couch
A Newton.

MEMORANDUM OF COSTS incurred in Special Appeal No. 768

of 1864 against the decision of the Judge - - - of the District of *Shimoga* and disposed of on the 5th Decr 1864 by *confirming the same with Costs*

BY THE APPELLANT—

In the District.

In the *Principal Sr Amris Court (including)* 24 37 ✓

In the *Judges Court (including Sr. Fee)* 5 13 3 ✓

30 " 10 ✓

In this Court.

Stamp for Memorandum of Special Appeal 4 " " ✓

Stamps for copies of Decree and Judgment 3 8 " ✓

Stamp for Vukeelutnama 2 " " ✓

Batta for Process and Postage " 12 " ✓

Sectioner's Fee 2 29 ✓

Vukeel's Fee 1 13 ✓

13 8 " ✓

Rupees.... 43 8 10 ✓

BY THE RESPONDENT.

In the District.

In the *Principal Sr Amris Court*..... 31 1 10 ✓

In the *Judges Court* 2 1 3 ✓

33 3 1 ✓

In this Court.

Stamp for Vukeelutnama " " " ✓

Vukeel's Fee " " " ✓

" " " ✓

Rupees.... 33 3 1 ✓



R. West
Sealer

R. West
Registrar

The 5. day of December 1864.