

Satara

In the High Court of Judicature, Bombay.

On day, the 19<sup>th</sup> of April 1864.

SPECIAL APPEAL No. 77 OF 1864.

Balcrishn Narsinh Deshpande of the Satara District (Original Defendant) } Appellant

versus

Yeshwantrao Mahadeo alias Bapoo Sahib Raste, deceased his heir and nephew Khunderao Gungadhar Raste also deceased, his heir and aunt Suraswattibai widow of Yeshwantrao Mahadeo and Gungadhar Khunderao a minor by his mother and guardian Somabai widow of Khunderao Gungadhar of the Satara District (Original Plaintiffs) } Respondents

Rs. 484-9-9

The claim in the Original Suit was to recover possession of some encum land said to have been let on agreement the term of which had expired.

In Appeal No. 136 of 1863 the Judge of the District of Satara at Satara confirmed the Decree of the Juff of Wace who had ordered the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the decision of the District Judge is contrary to law in that although the District Judge finds the evidence in the case is not very satisfactory he

he nevertheless decrees in Respondents original  
Plaintiffs favor though appellants original Defendant  
is in possession that (2) the District Judge though  
finding that appellants witnesses depose to the pro-  
prietary right of appellant to the land in dispute  
nevertheless rejects their evidence on grounds not affecting  
their credibility in any way that (3) the District Judge  
has erroneously applied the law of limitations in this  
case to Plaintiffs Respondents that (4) although the  
land in dispute is now in appellants possession the  
District Judge holds appellant liable for Respondents  
alleged previous possession not satisfactorily made out  
that (5) the District Judge has erroneously ruled  
that the evidence tendered by appellant on appeal  
was inadmissible under the Civil Procedure Code that  
(6) there has been a substantial error in law in the  
investigation of the case has been made which has  
produced error in the decision of the case on its merits  
in that the District Judge has placed the onus of  
proof on the wrong party viz<sup>t</sup> Appellant that (7) the  
District Judge has confounded applicant who was  
original Defendant with Respondent who were Plain-  
tiff that (8) the District Judge has failed to  
decide the only material point at issue between the  
parties viz<sup>t</sup> whether Respondents did or did  
not lease the land to original De-  
fendants as alleged by them in their plaints

The Court confirms  
 the decree of the Judge with  
 costs.

Hewitt

Att. Gen.

Bill of Costs  
 By the appellant  
 In the District

In the Mooniff's Court	21.15.5	
In Judge's Court (including V. Fee)	51.8.10	73.8.3
In this Court		

Stamp for Writs of Special App <sup>ts</sup>	32.0.0	
Stamps for Copies of decree & judgment	4.0.0	
Stamp for Vukaturuama	2.0.0	
Butta for Process and Postage	2.4.0	
Sectoness Fee	3.14.9	
Vukel's Fee	14.8.7	58.11.4
		<u>Rs. 132.3.7</u>

By the Respondents

In the District		
In the Mooniff's Court	58.12.5	
In Judge's Court	32.1.2	90.13.7
In this Court		

Stamp for Vukaturuama	2.0.0	
Vukel's Fee	14.8.7	16.8.7
		<u>Rs. 107.6.7</u>



R. West  
 Seder

R. West  
 Registrar

The 29<sup>th</sup> day of April 1864.