

Poona & Solapur

In the High Court of Judicature, Bombay.

Thursday, the 1st day of December 1864.

SPECIAL APPEAL No. 780 of 1864

Wudjoji Walud Vitaji Pa-
til deceased, his son & heir
Vitaji Patil of the Poona
District. (Original Plaintiff)

Appellant

versus

Gurji Walud Ransoji
Patil of the Poona
District
(Original Defendant)

Respondent

Rs. 6-3-9.

The claim in the Original Suit was to recover possession of
some land which Plaintiff alleged he had let
or lease to Defendant and wh. the latter now
refused to restore.

In Appeal No. 534 of 1863 the Principal Sudder Ameer
of the District of Poona at Poona reversed
the Decree of the J. J. of Poona who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that (1) the
decision of the Principal Sudder
Ameer is contrary to law in that

the claim having being in time, the
Original Court raised not the ob-
-jection on the score of (lapse of)
time, and the appeal Court was
not competent to raise that objection
which had not been raised by the
Original Court. Therefore the rejection
of the claim (on the ground of that
objection) is contrary to the pro-
-vision in Section 32 of Act VIII
of 1859; that (2) the cause of action
arose on the 29th May 1862 and
the claim was within the time
counted from that day. Yet the
Appellate Court disallowed it
contrary to clause 12 of Section 1
of Act XIV of 1859; and that (3)
a substantial error in law in the
investigation of the case has produced
an error in the decision of the case
on its merits in that the disputed
land was property of the appellant
and was rendered into the appel-
-lant's possession by Government.
And the said possession comes

within the time as is proved by Nos.
3, 4, and 25 to 28. But these
documents have been construed
to mean the contrary which is an
error.

The Court conforms the decree of
the Principal Sudder Ameen.
Costs on Special Appellant.

Wm. Lock Forbes

H. W. Fisher,

MEMORANDUM OF COSTS incurred in Special Appeal No. 780

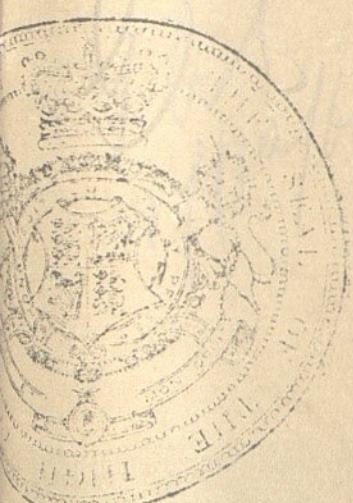
of 1864 against the decision of the Principal Scribe of the District of Poona --- and disposed of on the 1st Dec^r 1864 by confirming the same with costs

BY THE APPELLANT—

In the District.				
In the Moonjeffs Court	5	15	11	
In the Prin. S. ^r Amis Court.....	1	2	11	
In this Court.				7 2 10
Stamp for Memorandum of Special Appeal	1	"	"	
Stamps for copies of Decree and Judgment	1	8	"	
Stamp for Vukeelutnama	2	"	"	
Batta for Process and Postage	1	"	"	
Sectioner's Fee	"	15	3	
Vukeel's Fee	"	2	11	
				16 10 2
				Rupees.... 13 13 "

BY THE RESPONDENT.

In the District.				
In the Moonjeffs Court	20	13	8	
In the Prin. Amis Court.....	2	13	5	
In this Court.				23 11 1
Stamp for Vukeelutnama	"	"	"	
Vukeel's Fee	"	"	"	
				" " "
				Rupees.... 23 11 1



R. West
dealt

R. West
Registrar

The 1st day of December 1864