

In the High Court of Judicature, Bombay.

This day, the 13 day of July 1865.

SPECIAL APPEAL No. 782 of 1864.

Madhuras Soudur deceased
his heir and nephew Gunput-
ras Vishwanath Goppte of
Bombay.

Appellant

(Original) Plaintiff

versus

Sudashes Dhonev Goppte and
Babam Mulud Shait Sahab and
Sukharam Shivram Kelkar
of the former two reside at Kelian
in the Konkan District and
the latter at Pore (Original) Defendants.)

Respondents.

Rs. 26-8-3.

The claim in the Original Suit was to establish the title of
to pay to a share of certain lands alleged
to be wrongfully occupied by the Defs.

In Appeal No. 556 of 1863 the Assistant Judge
of the District of Dakshin
the Decree of the Jy
at Jamna confirmed
who had thrown out the
claim

A Special Appeal was preferred in the High Court on the grounds that the
decision of the assistant Judge is contrary
to law

(a)

(a) In that the decision of the Court of first instance having disposed of the case upon a preliminary point and its decision having been reversed on that point, the assistant Judge should under Section 354 of the Code, have remanded the case to the Court of first instance for trial on its merits.

(b) In that the assistant Judge was in error in requiring to prove acts of occupancy over the property in dispute this not being required to prove his case.

(c) In that the assistant Judge's decision on the question of the non-examination of appellants witnesses is erroneous.

Conforms the decree
Judge with costs

This Court
of the Assistant

Attorneys For the

A. D. Mendenhall

MEMORANDUM OF COSTS incurred in Special Appeal No. 782

of 1864 against the decision of the Assistant Judge of the District of the Honkum and disposed of on the 13th July 1865 by confirming the same.

BY THE APPELLANT—

IN THE DISTRICT.

| | | | | | | |
|---|----|----|---|----|---|----|
| In the <i>Mousiff's Court</i> | 20 | 9 | 1 | | | |
| In the <i>Assistant Judge's Court</i> | 5 | 14 | 9 | | | |
| | | | | 26 | 7 | 10 |

IN THIS COURT.

| | | | | | | |
|---|---|----|---|----|---|---|
| Stamp for Memorandum of Special Appeal | 2 | - | - | | | |
| Stamps for copies of Decree and Judgment | 2 | - | - | | | |
| Stamp for Vukalutnama | 2 | - | - | | | |
| Stamp of an application to enter the name of the Appellant's heir | " | " | " | | | |
| Batta for Process and Postage | 2 | 4 | " | | | |
| Sectioner's Fee | 1 | 9 | - | | | |
| Vukeel's Fee | " | 12 | 9 | | | |
| | | | | 10 | 9 | 9 |
| Rupees..... | | | | 37 | 1 | 7 |

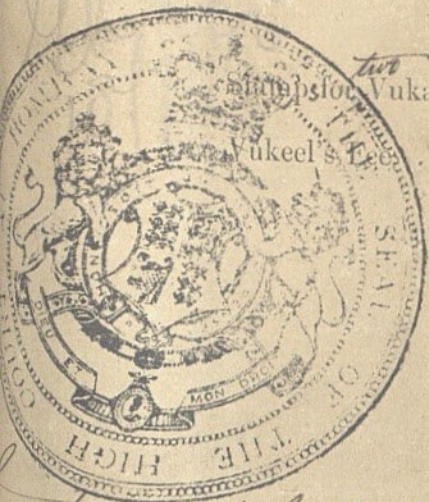
BY THE RESPONDENTS—

IN THE DISTRICT.

| | | | | | | |
|---|----|---|---|----|----|---|
| In the <i>Mousiff's Court</i> | 30 | 4 | 6 | | | |
| In the <i>Assistant Judge's Court</i> | 2 | 9 | 6 | | | |
| | | | | 32 | 14 | " |

IN THIS COURT.

| | | | | | | |
|-----------------------------------|---|----|---|----|----|---|
| ^{two} Vukalutnamas | 4 | - | - | | | |
| Vukeel's Fee | " | 12 | 9 | | | |
| | | | | 4 | 12 | 9 |
| Rupees..... | | | | 37 | 10 | 9 |



W. J. Sealer

R. West Registrar

13th day of July 1865