

In the High Court of Judicature, Bombay.

Fri day, the 16<sup>th</sup> day of December 1864.

SPECIAL APPEAL No. 783 of 1864

Balaji Ganardam Karnat  
of the Putnagiri Division Appellant  
of the Konkan District

(Original Defendant)

versus

Babaomut bin Krishn  
Savunt of the Putnagiri  
Division of the Konkan Respondent  
District

(Original Plaintiff)

Rs. 155-15-6-

The claim in the Original Suit was to recover possession of a fourth share of a Khotee village on redemption of the mortgage on it.

In Appeal No. 557 of 1863 the Sen<sup>r</sup>. Assis<sup>t</sup>. Judge of the District of the Konkan at the det<sup>o</sup>. etc<sup>n</sup>. of Putnagiri confirmed the Decree of the Sub<sup>o</sup>. J<sup>u</sup>d<sup>g</sup>e of Putnagiri who had awarded the claim.

A Special Appeal was preferred in the High Court on the grounds that the decision of the senior Assistant judge is contrary to law;

(a) In that the senior Assistant judge has

has erred in requiring applicant and the parties under whom he claims to prove the non-payment of the alleged balance due to the original mortgage.

(B) In that Senior Assistant Judge erred in not holding the property in dispute liable for the amount of applicants lien.

(C) In that the Senior Assistant Judge erred in holding that by the custom of the country the satisfaction of any Bond or Deed must be by separate endorsement, separately attested.

The Court confirms the Decree of the Senior Assistant Judge.

Costs in Special Appellate.

Abraham Forbes.  
H. H. Tucker,

MEMORANDUM OF COSTS incurred in Special Appeal No. 783.

of 1864 against the decision of the Senior Assistant Judge of the District of the <sup>Presidency</sup> ~~North~~ at and disposed of on the 16<sup>th</sup> December 1864 by confirming the same.

BY THE APPELLANT—

IN THE DISTRICT.

In the Sudder Ameen's Court	10	-	1		
In the Senior Assistant Judge's D <sup>o</sup> .	23	2	10		
				33	2 11.

IN THIS COURT.

Stamp for Memorandum of Special Appeal	16	"	"		
Stamps for copies of Decree and Judgment	3	"	"		
Stamp for Vukalutnama	2	"	"		
Stamp of an application to enter the name of the Appellant's heir	"	"	"		
Batta for Process and Postage	1	"	"		
Sectioner's Fee	2	6	"		
Vukeel's Fee	5	"	1		
				29	6 1

Rupees.... 62 9 "

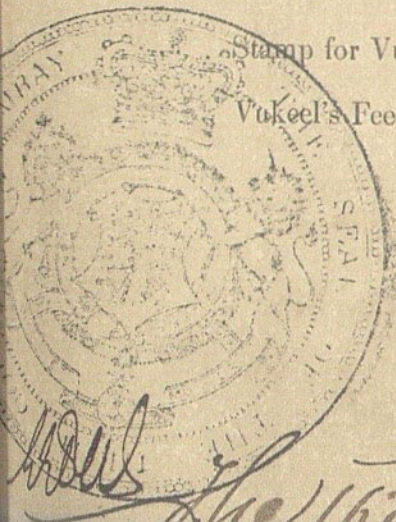
BY THE RESPONDENT—

IN THE DISTRICT.

In the Sudder Ameen's Court	26	"	1		
In the Senior Apt. Judge's D <sup>o</sup> .	5	8	1		
				31	8 2

IN THIS COURT.

Stamp for Vukalutnama	2	"	"		
Vukeel's Fee	5	"	1		
				7	" 1
				Rupees....	38 8 3.



*W. West*  
*Sealer*  
 The 16 day Decr 1864

*W. West*  
*Registrar*