

In the High Court of Judicature, Bombay.

Wednesday, the 14 day of June 1860.

SPECIAL APPEAL No. 785 or 1864

Ramsket Balsket Motrashi
and Dhondoo Chintoochet
of the Konkurn District

(Original Dependants.)

Appellant,

versus

Purushram Karayenshet
Kasar of the Konkurn
District

(Original Plaintiff)

Respondent,

Rs. 1440-0-0

The claim in the Original Suit was to recover a $\frac{1}{8}$ th share
of two villages alleged to be wrongfully
withheld from the Pff and his minor brother
by the Defts

In Appeal No. 166 of 1864 the Asst Judge
of the District of the North Kan at Londa confirmed
the Decree of the Pff at Seem who had decreed for
the claimant

A Special Appeal was preferred in the High Court on the grounds that there
has been a substantial error in law
in the procedure of the case which
has.

has produced an error in the decision of the case upon its merits in that, ⁽¹⁾ the Court below has not made or called upon the opposite party to make all the persons, having interest in the property under dispute, parties to the suit; and that, (2) there has been a substantial error in the investigation of the case which has produced error in the decision of the case;

(a) In that the Court below has admitted in evidence letters and other documents as proof against the appellant which are neither on stamp Papers nor do they bear appellant's signature or written by their authority

(b) The arbitration award No. 20 is not an award made through reference made by any Court of Justice, nor has it been given by the arbitrators on agreement or Pazinama of the Parties; the assistant Judge therefore was wrong in

in admitting the same in evidence to
the prejudice of the appellants

(c) That the assistant judge has awarded
separate share to the Respondents in the
property which is by its tenure in-
divisible

(d) That although the assistant
judge clearly gives his opinion in the
documentary evidence produced by
the Respondent, as unsatisfactory
yet contrary to his own conviction and
express opinion ^{awarded} in favor of the Respondent.

Unfont Confis in
the hands of the Assistant Judge
with costs.

R Couch

A Hewton

MEMORANDUM OF COSTS incurred in Special Appeal No. 785

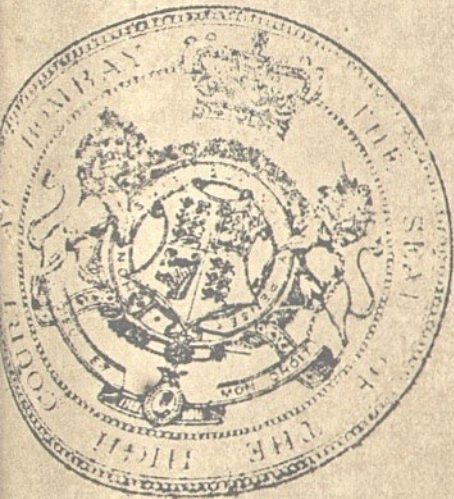
of 186 4 against the decision of the *Assistant Judge* of the District of *the North* and disposed of on the 14th June 1865 by *confirming the same with costs*

BY THE APPELLANTS

In the District.			
In the <i>Moonisiff's Court</i> ———	97	10	2
In the <i>Asstⁿ Judge's Court</i> ———	97	3	2
In this Court.			
Stamp for Memorandum of Special Appeal	50	"	"
Stamps for copies of Decree and Judgment	3	"	"
Stamp for Vukeelutnama	2	"	"
Batta for Process and Postage	3	"	"
<i>Sheriff's and Clerk's Fee</i> ———	3	"	"
Sectioner's Fee	2	4	"
Vukeel's Fee	43	3	2
			106. 7 2
			Rupees 301. 4 6.

BY THE RESPONDENT.

In the District.			
In the <i>Moonisiff's Court</i> ———	146	15	2
In the <i>Assistant Judge's Court</i> ———	44	3	2
In this Court.			
Stamp for Vukeelutnama	2	"	"
Vukeel's Fee	43	3	2
			191. 2 4
			45 3 2
			Rupees 236. 5 6.



R. West
Registrar

W. West
Sealer

The 14th day of June 1865