

In the High Court of Judicature, Bombay.

Monday, the 5th day of December 1864.

SPECIAL APPEAL No. 789 of 1864.

Diwakur Vishnool Deokooli of
the Sattara District

Appellant,

(Original Defendant)

versus

Gungadhurbhat bin Sakham-
bhat Rajwade of the Sattara
District

Respondent,

(Original Plaintiff)

Rs. 31-15-11.

The claim in the Original Suit was to recover compound in-
terest on the one year's interest on a bond
for Rs 175

In Appeal No. 789 of 1864 the Judge
of the District of Sattara confirmed.
the Decree of the M. J. of Sattara who had awarded the claim.

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

(a) That a greater amount has been awarded to the opposite party than he was entitled to according to his own admission as contained in exhibits 28 and 29.

(b) That the house mortgaged for the entire debt has been held by the Moonsiff to be foreclosed by the terms of the mortgage bond on account of the lapse of time and his decree has been confirmed by the District Judge the said ruling being contrary to the decision in Special Appeal No 299 of 1864.

The Court reverses the decision of the District Judge, and directs him to decide the following points:—

1. How much is due by Venick and Dewakur to Ganyodthurbhat on foot of the mortgage bond.
2. How much, if anything is due from Venick and Dewakur to Ganyodthurbhat in respect of money proved by the latter to have been lent out

MEMORANDUM OF COSTS incurred in Special Appeal No. 789

of 1864 against the decision of the Judge - - - - of the District of Satara and disposed of on the 5th Dec: 1864 by reversing the same with for retrial.

IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	2	..	✓		
Stamp for Vukeelutnama	2	..	✓		
Batta for Process and Postage	1	4	✓		
Sectioner's Fee	1	11	6	✓	
Vukeel's Fee one-fourth	"	3	10	✓	
				7	34
					✓
				Rupees	7 34 ✓

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	..	✓		
Vukeel's Fee one-fourth	"	3	10	✓	
				2	310
					✓
				Rupees....	2 310 ✓



West
Sealer

West
Registrar

The 5th day of December 1864.

Issued a certificate on Her Majesty's
Treasury Bank of Bombay for the refund
of Rupees (2) two only being the value
of Stamp used for special Appeal in
this case.

Dated the 5th day of December 1860

W. H. C.

R. West
Registrar

Certificate given to ...

Registrar

The ... of ...

by him in the improvement and
repairing the mortgaged premises, since
the date of the mortgage bond recorded
as exhibit N^o 3 in this cause.

A new decree to be passed on the merits.

Costs to follow final decision.

Abraham Forbes.

A. W. Warden