

In the High Court of Judicature, Bombay.

Tues day, the *13* day of *Decr* 186*4*

SPECIAL APPEAL No. *790* of 1864.

Prubhaturi Sukharami Joshi
of the *Putnagere Division* Appellant,
of the *Konkon District*

(Original Plaintiff)

versus

Raghojeras bin Dajiras Mhadik
deceased his son an heir *Dowlata*
a minor by his guardian *Vishramras* Respondent,
bin Dajirav Mhadik of the *Putna-*
gere Division of the *Konkon District*
(Original Defendant.)

Rs. *254* — " — " —

The claim in the Original Suit was to *enforce the terms of*
a mortgage & to recover damages for delay
in their fulfilment

In Appeal No. *357* of 1863 the *Senor Judge*
of the District of *Konkon* at *Putnagere* amended
the Decree of the *Judge* who had decreed for the
recovery of Rs 254 from the heir of the deceased mortgagee &
on failure of this that Rs 254 should be recovered
from the deceased's estate & the land put in his wife's possession
by ordering that Rs 254 should be recovered only from the deceased's
estate

A Special Appeal was preferred in the High Court on the grounds that (1) the
decision of the *Senor assistant Judge* is contrary
to law in that he has erroneously held that
the

the deceased Raghaji Rao could not mortgage
Vishram's share of the property in dispute -
that (2) the Senior assistant Judge erred in
holding that Raghaji Rao could not mortgage
his own share in the property in dispute
without Vishram's consent, that (3) the Senior
assistant Judge failed to enquire whether
Raghaji Rao had power as manager of the
family or otherwise to mortgage the pro-
perty in dispute including Vishram's share;
and that (4) the money taken up on the
mortgage to appellant being for the purpose
of paying off a previous mortgage to which
Vishram is found to have been a party, he
must be held to have ratified the mortgage
to appellant and to be bound by it and the
Senior assistant Judge was in error in not
making the property liable for appellants
entire claim.

And for its confirmation
The Clerk of the Senior Assistant Judge
with costs
R. Couch
H. Lewis

A. M. M.

MEMORANDUM OF COSTS incurred in Special Appeal No. 790

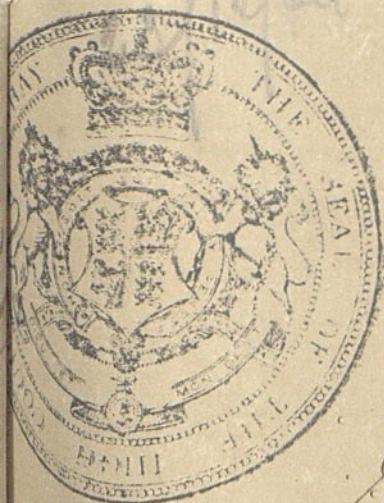
of 1864 against the decision of the *Sr. Asst. Judge* of the District of *the Konthur* and disposed of on the *13th December 1864* by *Confirming the same with costs* -

BY THE APPELLANT—

In the District.				
In the <i>Mooniff's court</i>	30	15	11	✓
In the <i>Sr. Asst. Judge's court</i>	8	1	11	✓
		39 1 10 ✓		
In this Court.				
Stamp for Memorandum of Special Appeal	16	"	"	✓
Stamps for copies of Decree and Judgment	3	8	"	✓
Stamp for Vukeelutnama <i>stara</i>	4	"	"	✓
Batta for Process and Postage	1	4	"	✓
Sectioner's Fee	2	13	"	✓
Vukeel's Fee	7	9	11	✓
		34 7 2 ✓		
		Rupees.... 73 9 " ✓		

BY THE RESPONDENT.

In the District.				
In the <i>Mooniff's court (including v. fee)</i>	14	12	11	✓
In the <i>Sr. Asst. Judge's court</i>	27	15	"	✓
		41 14 4 ✓		
In this Court.				
Stamp for Vukeelutnama	2	"	"	✓
Vukeel's Fee	7	9	11	✓
		9 9 11 ✓		
		Rupees.... 51 8 3 ✓		



P. West
Sealer

P. West
Registrar

The 13 day of December 1864