

In the High Court of Judicature, Bombay.

Wednesday, the 1st day of February 1865.

SPECIAL APPEAL No. 791 of 1864

Sottangi bin Trimbakji Patil
Shirali Suandar of the
Poona District. Appellant

(Original Defendant.)

versus

Rughoonath Ramchandra
Murathe of the Poona Dis-
trict Respondent

(Original Plaintiff.)

Rs. 3,666-10-00

The claim in the Original Suit was to recover on a Kures Patra

a third share of an Inam village, and
of the produce for 4 years

In Appeal No. 499 of 1863 the Dist. Judge
of the District of Poona at Poona who
of the Decree of the Dist. J. who had thrown out the claim,
and awarded a third share of Dist's life interest.

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) The contract not being binding upon
the appellant without a consideration,

and the execution & the consideration having
been denied by the appellant the Plain-
tiff has adduced no evidence whatever
of the said consideration.

- (b) The Court ^{below} has recorded no finding
whatever ^{upon the question whether} as a matter of fact there
was a consideration for this contract
or not.
- (c) The Court below erred in receiving
in evidence & relied upon an unstamped
previous agreement in deciding against
the appellant.
- (d) The Inam having been granted for
the support of the entire family, any
one member thereof has no right to
alien any portion of it for any pur-
pose whatever & it has not even been
found that the alienation was made
for a legitimate purpose.
- (e) The consent of the other members of
the family who had a co-ordinate
share in the Inam not having been
shown to the alienation, it was requisite
to join them as parties, which has
not been done.
- (f) The Court below has considered
the

the discrepancy between the English &
Murathi dates as explained without
any evidence whatever.

The Court amends the decree of the
District Judge by striking out the word
"life" before interest.

Courts of Special Appeal on Special Appellate.

R. Couch
H. Lewis.

A. Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 791.

of 186 4 against the decision of the *Acting Judge* of the District of *Poona* and disposed of on the *1st* February 1865, by amending the same.

BY THE APPELLANT—

In the District.

In the <i>Sudder Amcees Court</i>	109 7 6	✓
In the <i>Judge's Court</i>	92 5 3	✓
<i>In this Court.</i>		
Stamp for Memorandum of Special Appeal	150 " "	✓
Stamps for copies of Decree and Judgment	3 " "	✓
Stamp for Vukeelutnama	2 " "	✓
Batta for Process and Postage	2 7 "	✓
Sectioner's Fee	1 1 6	✓
Vukeel's Fee	93 5 4	✓
	<u>251 13 10</u>	✓
Rupees....	453 10 7	✓

BY THE RESPONDENT.

In the District.

In the <i>Sudder Amcees Court</i>	265 8 3	✓
In the <i>Judge's Court</i>	249 13 3	✓
<i>In this Court.</i>		
Stamp for Vukeelutnama	2 " "	✓
Vukeel's Fee	93 5 4	✓
	<u>95 5 4</u>	✓
Rupees....	610 10 10	✓



W. J. S.

West
Registrar

The 1st day of February 1865.