

In the High Court of Judicature, Bombay.

Monday, the 5<sup>th</sup> day of December 1864.

SPECIAL APPEAL No. 797 of 1864.

Balaji Vinayak Fawshi of the  
Ahmednugur District

Appellant,

(Original Plaintiff)

versus

Kashinath and Venayak and  
Bulwuntrao Gunesh Desh-  
pande of the Ahmednugur  
District

Respondents,

(Original Defendants)

Rs. 2,718—''—''

The claim in the Original Suit was to recover, in accordance with the terms of a contract, the value of an annuity of Rs 50, estimated at 7 years purchase; together with 7 years arrears, and the costs of stamping an agreement bon.

In Appeal No. 62 of 1864 the Judge of the District of Ahmednugur, at Ahmednugur, by a Decree of the 2<sup>nd</sup> of March who had found for the Plaintiff as against Kassinath only, rejecting his claim against the other two defendants.

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 produced

produced error in the decision of the case upon the merits in that

(a) The Court below regarded as indispensably necessary direct evidence of the execution of an instrument for the proof.

(b) The Court below illegally rejected the admission evidence in exhibit N<sup>o</sup> 48 which in law is quite sufficient to supersede as to execution.

(c) The Court below expressly laid out of consideration admission evidence and the presumption arising therefrom in Exhibit N<sup>o</sup> 73

(d) The Court below has not recorded for decision a finding on the whole of the issues recorded for decision.

The Court conforms the decree of the District Judge.

Court in Special Appellate.

Atkinch Forbes

A. M. Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 797

of 1864 against the decision of the Judge of the District of Ahmednagar and disposed of on the 5 December 1864 by confirming the same with costs.

BY THE APPELLANT—

In the District.

In the Moonsiff's Court ..... 231 99  
 In the Judge's Court (including V.F.) ..... 75 139  
 In this Court. 307 76

*The plaintiff's papers were used. No stamp for plaintiff being used.*

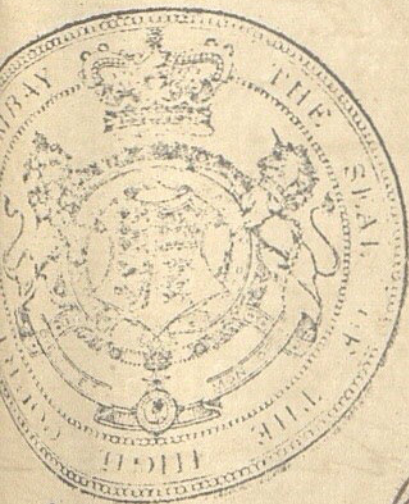
Stamp for Memorandum of Special Appeal ..... 100 ..  
 Stamps for copies of Decree and Judgment ..... 5 8 ..  
 Stamp for Vukeelutnama ..... 2 ..  
 Batta for Process and Postage ..... 7 2 ..  
 Sectioner's Fee ..... 4 3 ..  
 Vukeel's Fee ..... 74 59  
 Rupees.... 1952 9  
 500 10 3

BY THE RESPONDENT ✓

In the District.

In the Moonsiff's Court ..... 77 59  
 In the Judge's Court ..... 253 156  
 In this Court. 331 53

Stamp for Vukeelutnama ..... 2 ..  
 Vukeel's Fee ..... 74 59  
 Rupees.... 76 59  
 407 11 ..



*R. West*  
 Sealer

*R. West*  
 Registrar

*Witnessed by me the 5 day of December 1864.*