

In the High Court of Judicature, Bombay.

Monday, the 23 day of January 1865

SPECIAL APPEAL No. 85 of 1864

Nannubhaos Dev of the Poona District Appellant

~~District~~ (Original Plaintiff)

versus

Rungo Girmaji and Gunesha Girmaji Dushurath of the Poona District Respondent

~~District~~ (Original Defendants)

Rs. 573-14-11

The claim in the Original Suit was to recover the amount due on two bonds by the sale of a house the said house been mortgaged and by process against the Debtors for the amount not repaid

In Appeal No. 288 of 1865 the Acting Judge of the District of Poona at Compus the Decree of the Jyotirajwari who had allowed out the claim

A Special Appeal was preferred in the High Court on the grounds that (1) the

decision of the Acting Judge is against Law in that.

The

(a) The claim is not barred by the law of limitation, as held by the Lower Court.

(b) And therefore, it was wrong not to have decided on the implied admission of the respondents.

The Court reverses the decree of the Court below and remands the cause for retrial and a new decree upon the merits. Costs to follow the final decision.

R. Couch
H. Weston.

A. M. Warden

MEMORANDUM OF COSTS incurred in Special Appeal No. 805

of 186 4. against the decision of the *Acting Judge* of the District of *Poona* and disposed of on the 23rd January 1865 by remanding the same for retrial.

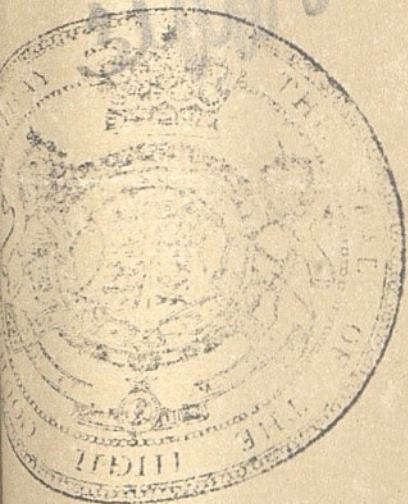
IN THIS COURT.

BY THE APPELLANT—

Stamps for copies of Decree and Judgment	3	0	0	✓
Stamp for Vukeelutnama	2	0	0	✓
Batta for Process and Postage	2	9	0	✓
Sectioner's Fee	0	9	6	✓
Vukeel's Fee one-fourth	4	4	10	✓
			12 7 4	✓
			Rupees 12 7 4	✓

BY THE RESPONDENT—

Stamp for Vukeelutnama	2	0	0	✓
Vukeel's Fee one-fourth	4	4	10	✓
			6 4 10	✓
			Rupees 6 4 10	✓



W. J. ...
1st Asst. Registrar

W. J. ...

For Sealer
The 23rd day of January 1865.

Issued a certificate on Her Majesty's
Treasury the Bank of Bombay for the
refund of Rs thirtytwo being the value
of the stamp used for special appeal
in this case.

23rd January 1865

[Signature]

1st Assent Registrar.

Rs.

Certificate given to Bank